



PREScribed PRAYER

(*SALAH*)

A TEXTBOOK ON JURISPRUDENCE
ACCORDING TO THE FIVE SCHOOLS OF ISLAMIC LAW:
HANAFLI, HANBALI, SHAFII, MALIKI, JAFARI
INDIVIDUAL ISSUES

ALLAMA MUHAMMAD
JAWAD MUGHNIYYAH

ADAPTED BY
LALEH BAKHTIAR

INTRODUCTION BY
KEVIN REINHART

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PREFACE

THE PRESENT WORK is based on two main Arabic sources: *al-Fiqh ala 'l-madhdhab al-arbaah* and *al-Fiqh ala 'l-madhdhab al-khamsa*. It offers a comparative study of the *Shariah* or Islamic Divine Law which according to authentic Islamic doctrines, embodies the Will of God in society. In the Islamic world view, God is the ultimate legislator. The major schools are: Hanafi, Hanbali, Shafii, Maliki and Jafari. The Hanafi school, the official school of the Ottoman Turks, is followed in Turkey, Pakistan and India. The Hanbali school is followed in Syria and Arabia while the Shafii school is followed in Egypt, Malaysia and Indonesia. The Malik school is followed in North and West Africa while the Jafari school is followed in Iran and by a large population of Iraq and Lebanon.

Based on *Hadith* literature and the *Sunnah* of the Prophet, it was through his deeds and sayings that the Will of God was made known to the Islamic *ummah*. The present work is divided into three parts: individual, economic and social issues. From the twenty-two pages of contents, it can be seen how detailed and encyclopedic in scope this work is. Individual issues include prescribed purity, prayer, fasting, and pilgrimage to Makkah while economic issues address the concerns of paying the poor-due, creating an endowment, inheritance, wills and bequests and legal disability. Finally, social issues include marriage and divorce.

With this work, the English speaking reader for the first time is able to make a comparison of the major schools. Their unity becomes apparent, but it is perhaps the differences which are of greater interest because it shows two important facts: first of all, how open the Law is to a variety of views and secondly, whereas the Hanafi, Hanbali, Shafii and Maliki schools have been separated from the Jafari for political reasons throughout Islamic history, the Jafari as often as not agrees with the Hanafi or Maliki school, for instance, while the Shafii and Hanbali as often as not differ. It is from this diversity of interpretations of the Law, interpretations which are based on the Quran and the *Sunnah*, that unity develops when each diverse group

is willing to concede the possibility of the other's interpretation when it is based on the same two sources.

My deepest gratitude goes to my children for their patience, my teachers for their guidance, to KAZI Publications for its encouragement and to Professor Kevin Reinhart for his excellent introduction. Any success that may accrue from this work belongs to the Legislator.

The eReader will notice a different kind of transliteration in the Glossary. This is necessary because the eReaders, at this point in time, do not accept a transliteration font. The relevant letters appear in bold. They include the long a, the long u, the long i, and the ha, tha, za, sad, and dad.

INTRODUCTION

IN DIFFERENCE IS A MERCY," the Prophet said, and unknown to most non-Muslims and many Muslims, this principle has guided the development and discovery of Islamic law from its beginnings.

The work presented here, an adaptation of al-Mughniyyah's *al-Fiqh 'ala 'l-madhahib al-khamsah*, demonstrates the scope of Islamic law and the range of positions available within it. Many of the topics of Islamic law are collected and organized here, and within each section the author has systematically presented the opinions of the four Sunni schools of law—Shafi'i, Hanbali, Maliki, and Hanafi—together with the school of the so-called Twelver Shi'ah, here called the Ja'fari school after the most important of the latter Imams, Ja'far al-Sadiq. The editor/adaptor's goal has been to point out the obvious, yet often-ignored fact of both the unity and diversity of Islamic legal thought, and specifically that the divergence between the Shi'i school—the Ja'fari—and the four Sunni *madhhabs* is no greater than that among the four Sunni *madhhabs* themselves. Hence, only the school names are used in the translation, and not the divisive epithets Sunni and Shi'i, as Shi'ism and Sunnism are perhaps best understood as *denominations* of Islam.

Though animosity between the two denominations has waxed and waned according to place and circumstances, at present Muslims are inclined to stress their unity in a world in which they are a minority. In accord with this emphasis, the trend recently has been to harmonize the two tendencies, and stress what is common between them. The most significant sign of this trend was the ruling of Mahmud Shaltut, Rector of the Azhar Islamic University in Egypt, around 1383/1963, that the Shi'ah were authentically Muslims, but of a different school (*madhhab*) rather than of a different sect (*firqah*). He embodied this ruling in the directive that the Azhar University, a center of Sunnism since the twelfth (CE) century, teach one kind of Shi'i law, the Ja'fari (also called Twelver or Imami) school, alongside the four Sunni schools. This ecumenical ruling was part of a larger move-

ment to de-emphasize *madhhab* differences, a movement called *taqrib* (bringing together) or *la madhhabiyya* (no *madhhab* -ism).

To understand the work before the reader, it is useful first to consider some of the distinctive features of Islamic law, and then to consider the pluralism of Islam—the *madhhabs* or legal schools.

THE SCOPE OF THE SHARI'AH

"The *shari'ah* is an ocean" is a sentiment often expressed, and Muslim scholars have sought to map and measure that ocean, partly by means of works such as the present one, which list in detail the differences and similarities among the schools. The purpose is informative—for the member of a particular school, he or she finds an easy source of guidance for normatively Islamic behavior. It is also just interesting to know the boundaries of acceptable Muslim conduct, which one finds by considering the acceptable variations on the rules of purity, or marriage, for example. In addition, since those qualified are invited always to reconsider and find anew the guidance of the *shari'ah* in the sources of Islamic knowledge, works such as this one are injunctions to consider and reconsider the rules of the schools. These works provide occasions to seek the most persuasive argument and the most firmly-grounded ruling on some particular issue. So this work can be considered by the reader as a kind of *Readers' Digest* of Islamic law, and also as a meditation on its rich variety.

This work offers something to non-Muslims as well. Islamic law has formed the spine of Islam throughout its history. It has given Muslims a sense of unity and recognition in cultures as heterogeneous as the Chinese and the African, the Soviet and the American. Its results, particularly in the realm of day-today morality have impressed such diverse figures as Martin Luther and Edward Lane. If there is a possibility for such as thing as comparative ethics or comparative law, both the scope and content of Islamic law demand attention as a system that is theoretically rich and interesting, and as a system that, in part or in whole, has worked for more than a millenium. Attentive readers, both Muslim and non-Muslim have much to learn from this work, and indeed from all works of Islamic law.

ISLAMIC LAW AS LAW

Islamic law has a number of features that distinguish it from what one might ordinarily understand by the term "law." *Fiqh*, which we translate ordinarily as "Islamic law" really means "praxic understanding," that is, insight into how one ought to act and live as a Muslim. Consequently, the scope of Islamic law is much broader than one would ordinarily expect from the concept, "law." Islamic legists! offer guidance about contracts, marriage and divorce, torts, crimes of property, and crimes of conduct, but also about ritual land ritual conditions, eating and drinking, table manners, government and state craft, welfare taxes and wills. Not all of these subjects are covered in this present book, but in the vast volumes of Islamic law one can find extensive discussions of these topics and many more besides. ⁴

A concise handbook like the present one will surprise the reader with the extent of its reach, and the detail of its discussion. Yet even the largest work *of fiqh* does not comprehend the full range of Islamic law, because Muslims believe that for every conceivable human act in any possible circumstance there are correct ways to act, and very possibly, incorrect ways to act. This metaphysical concept of an underlying moral significance to all acts is expressed in the concept of *shari'ah*, often translated also as "Islamic law," but which means Law as the concept of "right action," in the abstract; *fiqh* is the human attempt to understand *shari'ah*. And it is part of the sophistication of Islamic scholars that they recognized the limitations of humans in this enterprise, and sought, to the extent possible for human understanding, to ground life in objective, verifiable, sources of moral knowledge. For Muslims these sources are the *sunnah* of the Prophet, and the Qur³an that Muhammad brought.

The topics of Islamic law are as diverse as life itself. Usually the scope of Islamic law is summed up as "acts of ritual bondsman-ship" (*'ibadat*) and "acts of human interaction" (*mu'amilat*). These later are divided once more into the obligations of humans towards each other (*huquq al-insan*) and the obligations of humans towards

God (*huquq allah*). These latter correspond roughly to penal and criminal law, but it is noteworthy that it is only for the category of "obligations towards God" (*huquq allah*) that sanctions are stipulated.

The acts of bondsmanship are for the most part the ritual acts of Islam. Purification (*taharah*) addresses the question of how to place oneself in the state proper to the ritual worship of *salah*. Here are the discussions of how one loses that status, and how, through acts of ritual purification, one regains it. In general various acts perceived as losses of control (urination, defecation, menstruation, and according to some coughing, vomiting, or even laughing uproariously) take one out of the state of ritual capability. That state is restored through various washings with water, or, in its absence, various dry materials. In this section also the text discusses substances which, if present, invalidate the garments or place of worship. These include wine, pig-products, and other substances.¹ *Salah*, or ritual prayer, is a service of stipulated form and content through which the relation of humankind to God is represented. Included in this topic are the call to worship, the timings and places of worship etc. Fasting during the lunar month of Ramadan (*sawm*) is discussed in the next chapter. Ordinarily the welfare-tax (*zakah*) would be discussed next but that section has been moved to a separate section on economic matters.

So the last of ritual chapters is the one on pilgrimage to Mecca (*hajj*). It is worth noting that most of the acts of the *hajj* ritual take place outside of Mecca in a course laid out between Mecca and Muzdalifah.

Following the ritual aspects of Islamic law, the reader will find the economic aspects discussed in chapters on the welfare-tax (*zakah*)—what goods are taxable and at what rates, how the revenue may be spent etc.—and the conditions of establishing a pious endowment (*waqf*). The *waqf* is one of the distinctive features of pre-modern Islamic social institutions, and continues to be the means by which good deeds and religious institutions are supported in the Islamic world.

Finally, the author's last sections are on family law, the section seen by many Muslims as the core (*mu'amilat*). These topics include wills and inheritance in which the shares of each of the heritors is specified, as well as restrictions on will-making. Marriage is next, with specifications of contract, the woman's economic independence, the dowry, and impediments to marriage. Marriage is followed, as in life, with divorce: restrictions on its use, husband-initiated divorce, wife-initiated divorce, the period-of-waiting (*'iddah*) and so on. This text is a very good survey of the school positions, but in its scope, and argumentation, it only scratches the surface of the very rich intellectual tradition of Islamic law.

One of the clichés about Islamic law is that in the view of the *shari'ah*, there is no distinction between church and state. This is a mistake, since it has never been argued that the state can determine morality, and until very recently it had never been argued that the religious scholars ought to rule. It has been argued that, to the contrary, the obligation of all Muslims, but particularly Muslim scholars, to 'commend the good and forbid the reprehensible' amounts to a tacit obligation to supervise the workings of society. It remains the case that only in Iran since the Revolution of 1979, have the scholars of law (*'ulama'*) taken it upon themselves actually to govern.

The careful reader of this book will recognize that the real difference of *shari'ah* from the legal systems with which we are more familiar is that here there is no recognition of the difference between a crime and a sin. Eating pork, stealing, and concluding a sales contract improperly are all Proscribed (see below for the categorization of acts), even if the consequences of these acts (divine displeasure, cutting the hand, invalidation of the contract, respectively) are quite different.

DISCOVERING ISLAMIC LAW

Among the features of Islamic law several must be borne in mind by the reader. The first is that Islamic law is not legislated, but discovered by scholars. There is a right action in a given circumstance and the task of Muslims (indeed of all humankind) is to act in

this right way. Through a complex and sophisticated combination of methods and sources whose study is called the “science of the principles of jurisprudence” (*ilm usul al-fiqh*) one discovers how it is that God wishes humans to act. Those who are trained in this discipline are qualified to search for the correct action.

The first and foremost source of Islamic law is, of course, the Quran, but making sense of the Quran is not easily done. Muslim jurists were seldom naïve literalists. Rather, a jurist begins his (or her) search for the moral stipulation by searching the Quranic text for *all* relevant passages—those that pertain to the issue and also to the circumstances of the problem. The jurist then turns to the record of the Prophet Muhammad’s normative action (*sunnah*) as recorded in the manifold volumes of *hadith*. These too are searched for all possibly relevant dicta. Only after having compiled this body of information, which is sorted and prioritized according to various rules of inclusiveness and chronology, can a jurist come to a decision about the proper course of action in a particular circumstance.

Many Muslims and non-Muslims believe that since this law is discovered in unchanging sources, and not legislated, that Islamic law is, in a popular word, “immutable;” that it is necessarily inflexible and rigid, or at least, permanent. In the hands of conservative jurist, that certainly has been the case. Since, however, the finding of an act’s assessment is grounded in a *complete* understanding of an act, *including its circumstances*, through the recognition of new and changing circumstances, Islamic law maintains considerable scope for flexibility and changes in norms of conduct.

THE ASSESSMENT OF ACTS

Another way in which Islamic law diverges from our ordinary expectations of the law, is in its assessments. Civil statutory law specifies conduct, and assesses a penalty for non-compliance. Thus, one is compliant or non-compliant, and the law is observed or not observed, an act is legal or illegal, and one is guilty or not-guilty of breaking the law. Not so with Islamic law, which is concerned not just with order, but with virtue; not merely with compliance but also

with discipline and development. The result is a constellation of terms to assess an act. These are customarily understood to comprehend five categories.

Obligatory (traditionally defined as “that for the doing of which there is reward (from God) and for the neglect of which there is punishment”)

Recommended (for the doing of which there is reward, but for the neglect of which there is no punishment)

Permitted (for neither doing nor neglecting is there punishment or reward)

Discouraged, or reprehensible (for the avoidance of which there is reward, but for the doing of which there is no punishment) and

Forbidden, or Proscribed, (for the avoidance of which there is reward, and for the doing of which there is punishment).

Therefore, the drinking of wine is assessed by jurists as “Proscribed”; eating horse is by most jurists Discouraged; drinking Coca Cola is Permitted; saying “In the Name of God” before eating is Recommended, and eating sufficiently to maintain health is Obligatory. The reader of this work will also frequently find the phrase “it is *sun-nah* to do such-and-such,” which means it is Recommended, and this recommendation is grounded particularly in the normative practice of the Prophet Muhammad.

The consequence of this ranking system is that Islamic law is about not merely what one must and must not do, but what one ought and ought not to do. Its scope is not just legal performance, but ethics as well, and Muslims are strongly enjoined to do what is Recommended and avoid what is Discouraged. Law, then, is not just about compliance, and noncompliance, but about striving for virtue as well. It is not that law accords with or even is grounded in morality but that the two are intertwined to an extent that the separation of them, even for analysis, is in my view, untenable. This point must be borne in mind when we consider the call often heard among Islamists for a “return to Islamic law.” Their perception is that civil, legislated law is capricious and legislated to preserve class or other temporal

interests. To “return to Islamic law” is to assert the priority of morality and objectivity over expedience and interest.

MADHHABS

It is difficult to describe fully the rich concept of the *madhhab*, here translated as “school” of law, but from at least the third Islamic century it has been accepted that there is more than one way to be authentically Muslim. By the late fifth Islamic century the five schools as we know them—Shafi‘i, Hanbali, Maliki, Hanafi and Ja‘fari, and others besides—had been well-established.

The *madhhab* is best understood as a kind of discipline or method of evaluating and applying law. Shafi‘is and Hanafis, to take one example, differ in the categories with which they assess acts. The Shafi‘is rank acts solely according to how incumbent upon the Muslim is the doing or not doing of that act. The Hanafis rank acts according to how certain is the knowledge is that produces that ranking. Thus an Obligatory act for the Shafi‘is is called “*wajib*”—incumbent, Obligatory. For the Hanafis, however, incumbent acts can be “*fard*”—that is, an Obligatory act whose obligatory character is known with certainty and unambiguously from the: texts of Qur³an and *hadlth*. Or it can be a “*wajib*” act—which for the Hanafi means Obligatory, but known with a lesser degree of certainty from the sources of Islamic law. In short, for the Hanafi school, required acts are “obligatory and known’ to be so with certainty,” and “obligatory and known to be so probabalistically.” For the other schools, acts are only “required,” or “not required,” regardless of how unambiguous the means of moral knowledge.

Additionally, each *madhhab* is a kind of school-tradition. Given the complexity of Islamic law, and the variability of its understandings and methodologies, followers of a given *madhhab* rely for convenience’s sake upon the insights of their founders and prominent early scholars within the school. The Ja‘fari school traces its origin to Ja‘far al-Sadiq (148/765), and Hanafis cite the ‘Iraqis Abu Hanifah (150/767), Abu Yusuf (182/798) and al-Shaybani (189/805). Malikis are particularly informed by the tradition of the Medinan Malik b.

Anas (d. 179/796) and his tradition, including for instance Sahnun (d.240/854) compiler of the great work *al-Mudawwanah*. Shafi'i's value the insight and guidance of Ahmad b. Idris al-Shafi'i (d. 204/820) who died in Egypt, together with that of his disciple al-Muzani (d. 264/877). Hanbalis likewise quote the Baghdadl Ahmad b. Hanbal (241/855).

MADHHABS AND DIFFERENCES IN LAW

As a result of these varying methodological, and regional differences, the results of Shafi'i inquiries into the law differ in some particularities from the results of Hanafi inquiries. When "*madhhab*" refers to these ritual or practical differences, the term is often translated as "rite." Small though many of them are, cumulatively they add up to a substantial body of material with important consequences for Muslim life. This cumulative body of material is what we call the school of law. The result is often slight but a discerning viewer can tell Ja'fari *salah* from Malik version, or can hear regional and school differences in the *tashahhud* with which *salah* concludes. Likewise, Ja'fari rules of inheritance differ significantly from Sunnis' and so do the rules of marriage. Yet, despite these manifest differences, Shalut's argument is persuasive: the range of opinion within the schools, and the principle of "difference being a mercy" as a Prophetic rationale allows one to see all these variations as permissible underneath the overarching roof of Islam. Shi'is and Sunnis are all Muslims, and their practices, differing slightly though they might be, are still the practices of Islam.

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¹ I have discussed these matters in a preliminary form in "Impurity/No Danger," *History of Religions* v. 30/1 (August, 1990) pp. 1-24. A larger, monographic study, preliminarily titled *The Logic of Purity*, is currently underway.

I PRESCRIBED PRAYER

PRESCRIBED PRAYER (*salah* or *salat*) is either obligatory (*wajib*) or supererogatory (*mandub*). The most important of prayers are the prescribed prayers performed five times daily. There is consensus among Muslims that a person who denies or doubts their being obligatory (*wujub*) is not a Muslim, even if he or she recites the two testimonies bearing witness to the oneness of God and the prophethood of Muhammad (*shahadah*), for these prescribed prayers are among the 'pillars' (*arkan*) of Islam. Their being obligatory is an established necessity of the faith (*al-din*) that does not need any strenuous endeavor of reasoning (*ijtihad*) or study, following the dictates of an expert (*taqlid*) or questioning.

The schools differ regarding a person who does not perform the prescribed prayers (*tarik al-salat*) due to laziness and neglect although the person believes in its being obligatory. The Shafiis, Malikis and Hanbalis observe that he or she will be killed. The Hanafis state that he or she will receive perpetual imprisonment unless he or she starts performing the prescribed prayers. The Jafaris state that whoever neglects any obligatory duty such as the prescribed prayers, paying of the purifying alms (*zakat/khums*), going once in a lifetime on the prescribed pilgrimage to Makkah (*hajj*) and the prescribed fasting (*sawm*), will be chastened by the judge (*hakim*) in a manner deemed appropriate by him.¹

1.1. THE DAILY SUPEREROGATORY PRAYERS

Supererogatory prayers (*rawatib*) are of various kinds, and among them are those which are performed along with the prescribed daily prayers (*faraid*). The schools differ regarding the number of their cycles (*rakahs*). The Shafiis consider them to be eleven cycles: two before the morning (*fajr*) prayer, two before the noon (*zuhr*) prayer and two after it, two after the sunset (*maghrib*) prayer, two after the night (*isha*) prayer and a single cycle called '*al-watirah*'.

The Hanbalis consider them to be ten cycles: two cycles before and after the noon prescribed prayer, two after the sunset and the night prescribed prayers, and two cycles before the morning prescribed prayer. According to the Malikis there is no fixed number for the supererogatory (*nawafil*) prayers performed with the prescribed prayer, although it is best to offer four cycles before the noon and six after the evening prescribed

prayer. The Hanafis classify the supererogatory performed along with the obligatory into ‘*masnunah*’ and ‘*mandubah*’.² The ‘*masnunah*’ are five: two cycles before the morning prescribed prayer; four before the noon, and two after it, except on Friday; two after the evening and two after the night prescribed prayer. The ‘*mandubah*’ are four: four or two cycles before the afternoon, six after the evening, and four before and after the night prescribed prayer. The Jafaris observe that the supererogatory are thirty-four cycles: eight before the noon prescribed prayer, eight before the afternoon, four after the evening, two after the night (recited while sitting and counted as a single cycle called ‘*al-watirah*’), eight cycles of the midnight prayer (*salat al-layl*), two cycles of *al-shaf*, a single of *al-watr*,³ and two cycles before the morning prayer, called ‘*salat al-fajr*’.

1.1.1.THE TIME OF NOON AND AFTERNOON PRESCRIBED PRAYERS

The jurisprudents begin their discussions with the prescribed noon prayer, because it was the first prescribed prayer to be declared obligatory, followed by the afternoon, the evening, the night and the morning prescribed prayers, in that order. All the five prescribed prayers were made obligatory in Makkah on the night of Prophet’s cosmic journey (*al-isra*), nine years after the beginning of his mission (*bithah*). Those who hold this opinion cite as proof 17:78 which stipulates all the five prescribed prayers, “*Perform the formal prayer from the sinking sun until the darkening of the night and the recital at dawn. Truly, the dawn recital had been one that is witnessed*” (17:78).

The schools concur that the prescribed prayer is not valid if performed before its appointed time and that the time of the noon prescribed prayer sets in when the sun passes the meridian. They differ concerning its duration. The Jafaris say that the specific period of the noon prescribed prayer extends from the moment the sun crosses the meridian up to a period required to perform it, and the specific period of the afternoon prescribed prayer is the duration required to perform it just before sunset. The time between these two specific periods is the common period for the two prescribed prayers. That is the reason they consider it valid to perform both the prescribed prayers successively during their common period.⁴ But if the time remaining for the end of the day is sufficient only for performing the noon prescribed prayer, the afternoon prescribed prayer will be offered first with the intention (*niyyah*) of being on time (*ada*) and later the noon

prescribed prayer will be performed as delayed (*qada*).

The Hanafi, Hanbali, Shafii, and Maliki schools observe that the time of the noon prescribed prayer begins when the sun crosses the meridian and continues until the shadow of an object becomes as long as its height. When the length of the shadow exceeds the height of the object, the time for the noon prescribed prayer comes to an end. Here the Shafiis and the Malikis add that these limits are for an unconstrained person (*mukhtar*), and for one who is constrained (*mudtarr*), the time for noon prescribed prayer extends even after an object's shadow equals its height. The Jafaris consider the time when an object's shadow equals its height as the best time for the noon prescribed prayer, and when it equals twice the height of the object as the best time for the afternoon prescribed prayer.

The Hanafis and the Shafiis state that the time of the afternoon prescribed prayer begins when the length of an object's shadow exceeds its height and continues up to sunset. The Malikis say that there are two times for the afternoon prescribed prayer, the first for ordinary circumstances and the second for exigencies. The former begins with an object's shadow exceeding its height and lasts until the sun turns pale. The latter begins from when the sun turns pale and continues until sunset.

The Hanbalis observe that one who delays offering the afternoon prescribed prayer until after an object's shadow exceeds twice its height, his or her prescribed prayer will be considered on time if performed before sunset, although he or she will have sinned because it is forbidden to delay it until this time. They are alone in all the schools in holding this opinion.

1.1.2. THE TIME OF EVENING AND NIGHT PRESCRIBED PRAYERS

The Shafii and the Hanbali schools state that the time for the evening prescribed prayer begins when the sun sets and ends when the reddish afterglow on the western horizon vanishes.⁵ The Malikis say that the duration for the evening prescribed prayer is narrow and confined to the time required after sunset to perform the evening prescribed prayer along with its preliminaries of prescribed purity and the call to prayer (*adhan*), and it is not permissible to delay it voluntarily. But in an emergency, the time for the evening prescribed prayer extends until dawn. The Malikis are alone in considering it impermissible to delay the evening prescribed prayer beyond its initial time. The Jafaris observe that the period specific to the evening prescribed prayer extends from sunset⁵ for a duration required to

perform it and the specific period of the night prescribed prayer is the duration required to finish it before midnight. The time between these two specific periods is the common time for both evening prescribed and night prescribed prayers. Hence they allow the joint performance of these two prescribed prayers during this common time.

That was with respect to someone who is in a position to act out of free choice, but as to a person constrained by sleep or forgetfulness, the time for these two prescribed prayers exceeds until dawn, which the period specific for the night prescribed prayer becoming the time required to perform it just before dawn and the specific period for the evening prescribed prayer becoming the time required to perform it just after midnight.

1.1.3. THE TIME OF MORNING PRESCRIBED PRAYER

There is consensus among the schools, with the exception of the Maliki, that the time for the morning prescribed prayer begins at daybreak (*al-fajr al-sadiq*) and lasts until sunrise. The Malikis say that the morning prescribed prayer has two times: for one in a position to act out of free choice it begins with daybreak and lasts until there is enough twilight for faces to be recognized; for one in constrained circumstances, it begins from the time when faces are recognizable and continues up to sunrise.

1.1.4. THE QIBLAH

The schools concur that the Kabah is the *qiblah* of one who is near it and is able to see it. They differ regarding the *qiblah* of one who is away from the Kabah and unable to see it. The Hanafis, Malikis, Hanbalis and a group of Jafari jurisprudents observe that the *qiblah* of one at a distance is the direction of the Kabah and not the Kabah itself.

The Shafiis and most Jafaris state that it is obligatory for one who is near the Kabah, as well as for one at a distance, to face the Kabah itself. Thus, if it is possible to ascertain that one is facing the Kabah itself, one must do so; otherwise the probability (*zann*) that one may be facing it is sufficient. It is obvious that one who is far away from the Kabah is in no way capable of ascertaining that he is facing the Kabah, considering that the earth is spherical. Consequently, the *qiblah* of one away from the Kabah will be the direction of the Kabah and not the Kabah itself.⁶

1.1.5. IGNORANCE OF THE DIRECTION OF THE QIBLAH

It is obligatory for a person ignorant of the direction of the *qiblah* to

inquire and strive to determine its exact or approximate direction, and in case neither of the two is possible, the Hanafi, Hanbali, Maliki, and Shafii schools and a group from among the Jafaris say that a person may perform the prescribed prayer (*salat*) in any direction; his or her prescribed prayer will be valid and it will not be obligatory for him or her to repeat it except in the opinion of the Shafiis. Most Jafaris observe that the person will perform the prescribed prayer in four directions to comply with the command for the prescribed prayer and to ascertain its proper performance. But if there is not sufficient time for performing the prescribed prayer four times or if one is incapable of performing it in four directions, he or she will perform the prescribed prayer in the directions that he or she can.

1.1.6. A SUBSIDIARY ISSUE

If a person prays not facing the qiblah and comes to know about his or her mistake, the Jafaris state that if the error is known during the prescribed prayer and the correct qiblah lies between his or her two hands, the part of the prescribed prayer already performed will be valid and he or she will have to correct his or her direction for the remaining part of the prescribed prayer. But if it is known that he or she has been praying facing the East, or the West, or the North with his or her back towards the qiblah (this is with reference to Lebanon where the qiblah lies to the south), the prescribed prayer will be invalid and he or she will perform it anew. If the error is known after performing the prescribed prayer, it should be performed again if its time is still there, not otherwise. Some Jafaris say that the prescribed prayer will not be repeated if there is only a little deviation from the qiblah, irrespective of whether its time is still there or not. But if it has been performed facing the East or the West, it should be repeated if there is time, not otherwise. If the prescribed prayer is performed with one's back to the qiblah, it should be repeated regardless of whether its time is still there or has passed.

The Hanafis and the Hanbalis observe that, if after inquiring and striving to find the *qiblah*, one is unable to ascertain its approximate direction and performs the prescribed prayer in a direction which turns out to be wrong, he or she must change his or her direction accordingly if the mistake becomes known during the prescribed prayer. However, if it is known afterwards, his or her prescribed prayer is valid and the person has no further obligation. The Shafiis say that if it becomes certain that there has been a mistake in determining the *qiblah*, it is obligatory to repeat the prescribed

prayer, but if there is only a likelihood of mistake, the prescribed prayer is valid irrespective of whether the probability arises during the prescribed prayer or after it.

As to one who neither makes an inquiry nor an effort to determine the qiblah, but by chance performs the prescribed prayer in the right direction, the Malikis and Hanbalis consider his or her prescribed prayer to be void (*batil*). The opinion of the Jafaris and the Hanafis is that his or her prescribed prayer is valid provided the person has no doubts while praying and was sure about the direction of the *qiblah* at the time of starting the prescribed prayer, because, as pointed out by the Jafaris, in such a situation it is correct for the person to make the intention of acquiring nearness (*qurbah*) to God.

1.1.7. THE RULES OF MODESTY

This issue is one of those from which numerous bylaws are derived, such as those specifying the parts of one's body that must be covered (*awrah*) and the parts of another person's body which it is forbidden to look at, those relating to the difference between relatives through lineage or marriage with whom marriage is prohibited (*mahram*) or one's marriage partner and non persons in this regard, the difference is due to sameness or difference of sex, the difference between looking and touching and similar rules which are discussed below.

1.1.7.1. LOOKING AT ONE'S OWN BODY

The schools differ concerning covering of one's private parts from one's own view and whether it is forbidden for one to uncover one's private parts in privacy. The Hanafis and the Hanbalis observe that in the same way that it is not permissible for a person to expose his or her private parts in the presence of anyone for whom it is not permissible to look at it, it is not permissible for him or her to expose them when alone without necessity, as arises at the time of bathing or answering the call of nature. The Malikis and Shafiis say that it is not unlawful, but disapproved (*makruh*) to be naked without necessity. The Jafaris, state that it is neither forbidden nor disapproved when no one is looking.⁷

1.1.7.2. A WOMAN, HER HUSBAND AND NEAR RELATIVES WITH WHOM MARRIAGE IS PROHIBITED

The schools differ concerning the parts of the body a woman must cover in the presence of her people through lineage or marriage with whom marriage is prohibited—except her husband—and Muslim women.⁸ In other words, what constitutes the private parts of a woman in the presence of Muslim women as well as people through lineage or marriage with whom marriage is prohibited?

The Hanafis and the Shafiis say that it is obligatory for her to cover the area between the navel and the knees in their presence. The Malikis and the Hanbalis observe that she must cover the area between the navel and the knees in front of women, and in the presence of people through lineage or marriage with whom marriage is forbidden, her whole body except her head and arms. Most Jafaris state that it is obligatory for her to cover her rear and private parts in the presence of women and people who through lineage or marriage with whom marriage is forbidden. To cover other parts as well is better though not obligatory, except where there is a fear of sin.

1.1.7.3. WOMEN AND STRANGERS

About the extent of the body to be covered by a woman in the presence of a 'stranger' (any male apart from those who through lineage or marriage with whom marriage is forbidden), the schools concur that it is obligatory for her to cover her whole body except the face and hands (up to the wrists) in accordance with verse 24:31, "*And say to the females, ones who believe to lower their (f) sight and keep their (f) private parts safe and show not their (f) adornment but what is manifest of it. And let them (f) draw their head coverings over their (f) bosoms,*" considering that 'outward adornment' (*zahir al-zinah*) implies the face and hands. The word '*al-khimar*' (whose plural '*khumur*' occurs in the verse) means the veil which covers the head, not the face, and the word '*al-jayb*' (whose plural '*juyub*' occurs in the verse) means the chest. The women have been commanded to put a covering on their heads and to lower it over their chests. As to verse 33:59, "*O Prophet! Say to thy spouses (f) and thy daughters and the females, ones who believe to draw closer their (f) outer garments over themselves (f).* . . ." (33:59), the word '*al-jilbab*' (whose plural *jalabib* occurs in the verse) does not mean a veil covering the face; rather it is a shirt or garment.

1.1.7.4. MAN'S PRIVATE PARTS

The schools differ concerning the parts of a man's body which it is forbidden for others to see and for him to expose. The Hanafis and the Hanbalis state that it is obligatory for a male to cover the area between the navel and the knees before all except his wife. It is permissible for others, irrespective of their being men or women, people forbidden in marriage or strangers, to look at the rest of his body when there is no fear of sin.

The Malikis and the Shafiis say that there are two different situations for a male with respect to the extent he can expose his body: the first, in the presence of men or those women who are his wife or with whom marriage is forbidden; the second, in the presence of women to whom marriage is not forbidden. In the former instance, he is only supposed to cover the area between the navel and the knees, while in the latter it is forbidden for a woman stranger to look at any part of a man's body. Though the Malikis exclude the head and the arms if looked at without any sensual motive, the Shafiis do not permit any exception.⁹

The Jafaris differentiate between the parts of another person's body which can be looked at and those parts of one's own body which ought to be covered. They observe that it is obligatory for a male to cover only his rear and private parts, although it is obligatory for women through lineage or marriage are prohibited in marriage to him, to abstain from looking at any part of his body except his head and hands (up to the wrist). To summarize the Jafari opinion—it is permissible for a male to view the body of other men and women who through lineage or marriage are prohibited in marriage to him—except the rear and private parts—provided no sensual motive is involved. Similarly, a woman can view the body of other woman and her men who through lineage or marriage are prohibited in marriage to her—excepting the rear and private parts—provided no sensual motive is involved.

1.1.7.5. CHILDREN

Concerning the body of a child, the Hanbalis say that it is not prohibited to touch or look at the body of a child below seven years. It is not permissible to look at the rear and private parts of a male child between the age of seven to nine years, and for 'strangers', the whole body of a female child above the age of seven. The Hanafis observe that no part of the body of a boy of four years and below is prohibited from being looked at. Above this age only his rear and private parts are prohibited from being looked at as

long as sexual desire has not awakened in him. If he reaches the age of sexual desire, the rule applicable to adults will be applicable to him with respect to both the sexes.

The Malikis state that it is permissible for a woman to look at and touch the body of a boy below the age of eight years, and only look at it until the age of twelve. A boy above the age of twelve is considered similar to an adult. It is permissible for a man to look at and touch the body of a girl below two years and eight months, and to look at, although not touch, until she reaches the age of four years.

According to the Shafiis, the rules applicable to an adult apply to an adolescent male child. But if a child is below that age and is also incapable of describing what he sees, all parts of his body can be looked at. But if he can describe what he sees with a sexual interest, he will be considered similar to an adult. As to a girl below the age of adolescence, only if she has developed sexual appeal will she be considered similar to a full-grown woman, not otherwise, although it will be forbidden for anyone except someone who looks after her to look at her parts.

The Jafari observe that it is obligatory to cover one's private parts in front of a child of discriminating age, who can describe what he or she sees, though not before one who is incapable of doing so, because in this respect he or she is similar to an animal. That was regarding the covering of the body in the presence of a child, but with respect to looking at a child's private parts, al-Shaykh Jafar in his book *Kashf al-ghita* states, "It is not obligatory to abstain from looking at the parts of a child below five years, although it is absolutely impermissible to look at them with a sexual interest."¹⁰ From what I have been able to ascertain from the traditions of the Jafari, the age limit for the permissibility of looking at the child's private parts is six years, not five.

1.1.7.6. WOMAN'S VOICE

All the schools concur that listening to the voice of a woman is not prohibited, except where pleasure is involved or where there is a fear of sin. The (Jafari) author of *al-Jawahir*, at the beginning of the chapter on marriage, has mentioned as his proof the continuing practice of Muslims belonging to different periods and regions, the sermons of Fatima and her daughters, the innumerable instances of conversations of the wives of the Prophet, and the religious scholars (*ulama*)—which cannot possibly be considered as having taken place due to emergency—and the holding of

mourning and wedding ceremonies by women in the presence of men from early times, the conversations between opposite sexes while conducting transactions, as well as the Quranic verse, "*be not soft in your saying so that he become desirous he in whose heart is a sickness*" (33:32), in which not speech itself but its manner and complaisance have been prohibited.

1.1.7.7. THE COLOR, NOT THE SHAPE

The schools concur that it is obligatory to cover the body's color not its shape. This writer comments that if the color of the covering is similar to the color of the skin, so that it is not discernible from it, as in the case of skin-colored stockings, the presence or absence of the covering will be equal.

1.1.7.8. THE DIFFERENCE BETWEEN LOOKING AND TOUCHING

Every part that is permissible to touch may be looked at and every part that is forbidden to be looked at may not be touched. Here there is a general consensus among the schools because touching involves greater pleasure than looking, and no jurist of any school claims concomitance between the permissibility of looking and the permissibility of touching. Hence, though it is permissible for a man to look at a female stranger's face and hands, it is not permissible for him to touch her except in an emergency, such as for medical treatment or for rescuing her from drowning.

The Hanafis exclude shaking hands with an old woman from the prohibition. It is stated, "It is not permissible to touch the hands or face of a young woman even with the assurance of absence of any sexual motive. As to an old woman who has no sex appeal, there is nothing wrong in shaking hands with her with the assurance of absence of a sexual motive."¹¹

The Jafaris and the Hanafis allow touching the body of any *mahram* provided no sexual motive or pleasure is involved. The Shafiis prohibit touching even those parts of a *mahram*'s body which it is permissible to look at. It is even not permissible in their opinion for a person to touch the belly or back of his mother, pinch her ankles or feet or kiss her face. Similarly, it is not permissible for a person to ask his daughter or sister to press his legs.¹²

1.1.7.9. THE DIFFERENCE BETWEEN EXPOSING AND LOOKING

The Jafari observe that there is no concomitance between the permissibility of exposing the body and the permissibility of looking at it. Hence it is permissible in their opinion for a man to expose the whole of his body except his rear and private parts, while it is not permissible for a non-*mahram* woman to look at it. I have not found anyone expressing this opinion in the numerous books of the Shafii, Hanbali, Hanafi and Maliki schools which I possess.

1.1.7.10. OLD WOMEN

God Almighty says in the Quran, "*And women who are past child-bearing, those who hope not for marriage, there is no blame on them (f) if they lay down their (f) garments, not as ones who flaunt themselves and their (f) adornment. And that they have restraint is better for them (f), and God is Hearing, Knowing*" (24:60). This noble verse indicates that it is permissible for old women who have no desire for marriage due to their old age "to expose their face and a part of their hair and arms, and such other parts which aged women usually keep exposed." The traditions of the Jafari also point to the same, on condition that such exposure be not with the intent of display. Rather, it is to allow them to come out for fulfilling their needs, though it is better for them to keep themselves covered.¹³ This permission is with the assumption that it is not permissible to expose any of the above-mentioned parts of the body if there is fear of its leading to something forbidden, because a woman, regardless of her age, remains an object of sexual interest. Hence the leniency in the case of an aged woman arises from her being similar to a young girl who is presumably not an object of sexual interest and pleasure. Therefore, if there is any likelihood of that kind, the rule applicable to her will be the rule applicable to young women.

Islam is lenient with respect to elderly women and strict regarding young women. But in practice we observe the opposite of what the Quran has ordered. We see shamelessness and display of charms among young women, while elderly women keep themselves covered and are reserved. So where God is strict, they are lenient, and where He is lenient, they are strict.

1.1.8. OBLIGATORY COVERING DURING PRESCRIBED PRAYER

The schools concur that it is obligatory upon both men and women to cover those parts of their bodies during prescribed prayer which should ordinarily be kept covered before 'strangers'. Beyond that their positions differ. Is it obligatory for a woman to cover, fully or partly, her face and hands during prescribed prayer, although she is not required to do so outside prescribed prayer? Is it obligatory for a man to cover other parts of his body during prescribed prayer apart from the area between the navel and the knees, although it is not obligatory to do so outside prescribed prayer?

The Hanafis observe that it is obligatory upon a woman to cover the back of her hands and the soles of her feet as well, and upon a man to cover his knees, in addition to the area between the navel and the knees. The Shafiis and Malikis say that it is permissible for a woman to keep her face and both the palms and the back of her hands uncovered during prescribed prayer. The Hanbalis state that it is not permissible for her to expose any part except the face. The Jafaris observe that it is obligatory for both men and women to cover those parts of their body during prescribed prayer which they are supposed to cover ordinarily in the presence of a 'stranger'. Hence it is permissible for a woman to expose during prescribed prayer that part of her face which is washed during the shorter ablution, her hands up to the wrists, and her feet up to the ankles—both the back as well as the palms of hands and the soles of feet. For a man, it is obligatory to cover the rear and the private parts, although it is better to cover the entire area between the navel and the knees.

1.1.9. THE MATERIAL USED FOR COVERING DURING PRESCRIBED PRAYER

The covering should meet the following requirements where the ability and freedom to meet them exist:

1.1.9.1. PRESCRIBED PURITY

The prescribed purity of the covering and the body are necessary for the validity of prescribed prayer in the opinion of all the schools, although each of them concedes certain exceptions in accordance with the following details:

The Jafaris state that blood from wounds and sores, irrespective of its quantity, is considered excusable on the dress as well as the body if its re-

moval entails difficulty and harm. A blood spot smaller than the size of a dirham coin, regardless of its being due to one's blood or that of someone else, is also excusable provided that it is in a single place and not in different places; it is not the blood of menstruation, bleeding following childbirth and intermittent bleeding; it is not the blood of anything intrinsically impure, such as dog and pig, or the blood of a dead person. Also excusable is the impurity of anything that does not constitute part of essential dress during prescribed prayer, like a sash, cap, socks, shoes, ring, anklet and that which one carries with oneself, like a knife or currency. The impurity of the dress of a woman rearing a child, irrespective of whether she is the mother or someone else, is exempted on condition that it be difficult for her to change it and that she washes it once every day. In other words, in their opinion every impurity on the dress or body is exempted in conditions of emergency.

The Malikis observe that cases of uncontrollable discharge of urine or excrement, as well as piles, are excusable; so is any impurity on the body or clothes of a woman suckling an infant that may be soiled by the infant's urine or feces. So also are exempted the body and clothes of a butcher, surgeon and scavenger. Also exempted is: blood—even that of a pig—if it is less than the size of a dirham coin: the discharge from boils, the excrement of fleas, and other things which need not be mentioned because they occur rarely. The Hanafis say that impurity, blood or anything else, if less than the size of a dirham coin is exempted. Also exempted in emergencies is the urine and excrement of a cat and mouse. Tiny splashes—as small as the point of a needle—of urine, the blood that unavoidably stains a butcher, and the mud on roads—even if it is usually mixed with impurity and provided the impurity itself is not visible—are exempted. Consequently, they consider impurity in a small quantity as exempted, such as the urine of an animal eating which is permissible, if it covers a fourth of the clothes and less than one-fourth of the body.

According to the Shafiis, every impurity which is in such a small quantity that the eye cannot see it, is exempted. So is the mud on roads which is mixed with a small quantity of impurity, worms present in fruits and cheese, impure liquids added in medicines and perfumes, excrement of birds, impure hair in small quantity if they do not belong to a dog or a pig, and other things as well which are mentioned in detailed works. The Hanbalis say that minute quantities of blood and pus are exempted, and so is the mud on roads whose impurity is certain, as well as the impurity that

enters the eyes and washing which is harmful.

1.1.9.2. WEARING SILK

There is consensus among the schools that wearing silk and gold is forbidden for men both during and outside prescribed prayer, while it is permissible for women. This is in accordance with this statement of the Prophet, "Wearing silk and gold is unlawful for the men of my community (*ummah*), while it is lawful for its women." Accordingly, the Jafaris observe that a man's prescribed prayer is not valid if he wears pure silk and any clothing embroidered with gold during it, regardless of whether it is a waistband, cap, socks, or even a gold ring. They allow wearing silk during prescribed prayer in times of illness and during war. The Shafiis state that if a man performs prescribed prayer while wearing silk or over something made of it, it will be considered a forbidden act, though his prescribed prayer will be valid.¹⁴

I have not found an express statement in the books of the remaining schools concerning the validity or invalidity of prescribed prayer performed in silk, though the Hanafis as well as the Hanbalis (in accordance with one of two narrations) concur with the Shafiis regarding the general rule that if there is any command prohibiting something which is not directly connected with prescribed prayer—such as the command prohibiting usurpation—the prescribed prayer will be valid if it is not observed and the person will be considered as having performed an obligatory and forbidden act together. Accordingly, the prescribed prayer performed in a dress of silk is valid. The author of *al-Fiqh ala 'l-madhahib al-arbaah* reports a consensus that it is valid for a man constrained to perform prescribed prayer while wearing silk, and it is not obligatory for him to repeat it.

1.1.9.3. LAWFULNESS OF THE CLOTHING

The Jafaris consider it necessary that the clothing worn be lawfully owned. Hence if a person performs prescribed prayer in usurped clothes with the knowledge of their being so, his or her prescribed prayer is invalid. This is also the opinion of Ibn Hanbal in one of the two statements narrated from him. The other schools regard prescribed prayer in usurped clothes as valid on the grounds that the prohibition does not directly relate to prescribed prayer so as to invalidate it. The Jafari are very strict concerning usurpation, and some of them even observe that if a person performs prescribed prayer in clothes in which a single thread is usurped, or carries with

him or her an usurped knife, dirham, or any other thing, his or her prescribed prayer will not be valid. But they also say that if one performs prescribed prayer in usurped clothes out of ignorance or forgetfulness, his or her prescribed prayer is valid.

1.1.9.4. THE SKIN OF ANIMALS NOT USED FOR FOOD

The Jafaris are alone in holding that it is invalid to perform prescribed prayer while wearing the skin, even if tanned, of an animal whose flesh may not be eaten, as well as anything consisting its hair, wool, fur or feathers. The same is true of clothes bearing any secretion-from its body—e.g. sweat and saliva—as long as it is wet. Hence, even if a single hair of a cat or any such animal happens to be present on the dress of a person performing prescribed prayer and he performs it with the knowledge of its presence, his or her prescribed prayer is invalidated. They exclude wax, honey, the blood of bugs; lice, fleas and other insects which have no flesh, as well as the hair, sweat and saliva of human beings. They also consider prescribed prayer invalid if any part of a dead animal happens to be on the clothes irrespective of whether the animal is one used for food or not, whether its blood flows when cut or not, and its skin is tanned or not.

1.1.9.5. SUBSIDIARY ISSUE

If there is only a single clothing to cover the body and that too is impure to an extent that is not excusable, what should one do if he or she has no alternative other than either performing prescribed prayer in the impure clothing or in the state of nature?

The Hanbalis say that the person should perform prescribed prayer in the impure clothing, but it is obligatory upon him or her to repeat it later. The Malikis and a large number of Jafaris observe that the person should perform the prescribed prayer in the impure clothing and its repetition is not obligatory upon him or her. The Hanafis and the Shafiis state that he should perform the prescribed prayer naked if necessary because it is not valid for him or to cover himself with the impure clothing.

1.1.10. THE PLACE OF PRESCRIBED PRAYER

1.1.10.1. AN USURPED PLACE

The Jafaris consider prescribed prayer performed in an usurped place and usurped clothing as invalid provided it is done voluntarily and with the

knowledge of the usurpation. The other schools observe that the prescribed prayer performed in an usurped place is valid, although the person performing it will have sinned, since the prohibition does not relate directly to prescribed prayer, rather, it relates to dispensations of property. Their position in this regard is the same as in the case of usurped clothing.

What a great distance between this opinion of the Shafii, Hanbali, Hanafi and Maliki schools that an usurper's prescribed prayer (*salat*) is valid in usurped property. The Jafaris also permit prescribed prayer (*salat*) in vast stretches of owned land which are either impossible or difficult for people to avoid, even if the permission of the owner has not been acquired.

1.1.10.2. PRESCRIBED PURITY OF THE PLACE

The Shafii, Hanbali, Hanafi and Maliki schools observe that the place should be free from both wet and dry impurities. The Shafiis observe that the prescribed purity of all that which touches and comes into contact with the body or clothes of the person performing the prescribed prayer is obligatory. Therefore, if he or she rubs himself or herself against an impure wall or cloth or holds an impure object or a rope lying over impurity, his or her prescribed prayer will be invalid. The Hanafis require only the location of the feet and the forehead to be ritually pure; the Jafaris restrict it to the location of the forehead, that is, the place of prostration. As to the impurity of other locations, the prescribed prayer will not be invalid unless the impurity is transmitted to the body or clothing of the person performing prescribed prayer.

1.1.10.3. PRESCRIBED PRAYER PERFORMED ON A MOUNT

The Hanafi and Jafaris require the place to be stationary; hence it is not valid in their opinion to perform prescribed prayer while riding an animal or something that swings back and forth, except out of necessity, because one who has no choice will perform prescribed prayer in accordance with his capacity.

The Shafiis, Malikis and Hanbalis observe that prescribed prayer performed on a mount is valid even during times of peace and despite the ability to perform it on the ground, provided it is performed completely and meets all the requirements.

1.1.10.4. PRESCRIBED PRAYER INSIDE THE KABAH

The Jafaris, Shafiis and Hanafis state that it is valid to perform pre-

scribed prayer, obligatory (*faridah*) or supererogatory, inside the Kabah. The Malikis and the Hanbalis say that only supererogatory, not obligatory, is valid therein.

1.1.10.5. A WOMAN'S PRAYER BESIDE A MAN

A group of Jafari jurists observe that if a man and a woman perform prescribed prayer in a single place so that she is either in front of him or beside him, and there is neither any screen between them nor does the distance between the two exceed ten cubits, the prescribed prayer of the one who starts earlier will not be invalid, and if both start simultaneously, the prescribed prayer of both will be invalid.

The Hanafis say that if the woman is in front or beside a man, the prescribed prayer will be invalid if performed in a single place with no screen at least a cubit high between them, the woman has sex appeal, her shanks and ankles are adjacent to his, the prescribed prayer is not a prescribed prayer for the dead, and the prescribed prayer is being jointly performed, that is, either she is following him or both are following a single leader (*imam*). The Shafiis, Hanbalis and most Jafaris are of the view that the prescribed prayer is valid, though the manner of performance is disapproved (*makruh*).

1.1.10.6. THE LOCALE OF PROSTRATION

The schools concur that the place where the forehead is placed during prostration should be stationary and should not be inordinately higher than the location of the knees during prostration. They differ regarding that on which prostration is valid. The Jafaris state that it is not valid to perform prostration on anything except on earth and those things which grow on it and are not used for food or clothing. Therefore, a person cannot perform prostration on wool, cotton, minerals and that which grows on the surface of water, for water is not earth. They permit prostration on paper because it is made of a material which grows on earth. They argue their position by pointing out that prostration is a form of worship prescribed by the *Shariah* that depends for its particulars on textual evidence. The jurists of all the schools concur regarding the validity of prostration on earth and that which grows on it, thus restricting it to that regarding which there is certainty. The Hanafi, Hanbali, Maliki, and Shafii schools observe that it is valid to perform prostration on anything, including even a part of one's turban, provided it is ritually pure. Rather, the Hanafis permit prostration on

one's palm even without an emergency, though it is considered as disapproved.

1.1.11. CALL TO THE PRESCRIBED PRAYER

The call to the prescribed prayer (*adhan*) literally means 'announcement'. It means the announcement made in specific words at the time of prescribed prayer in the *Shariah*. It was introduced in the first year of the Hijrah at Medinah. The cause of its introduction, in the opinion of the Jafaris, was that Gabriel came down with the call to the prescribed prayer in a message from God to the Prophet. The Hanafi, Hanbali, Maliki and Shafii schools say that Abd Allah ibn Zayd saw a dream in which he was taught the call to prescribed prayer by someone. When he related his dream to the Prophet, the Prophet approved it.

1.1.11.1. THE CALL TO THE PRESCRIBED PRAYER IS A SUNNAH

The Hanafis, Shafiis and Jafaris say that the call to the prescribed prayer is a *sunnah* which has been emphatically recommended (*muakkadah*). The Hanbalis observe that it is the individual duty of non-travelling men in villages and towns to make the call to the prescribed prayer for the five daily prescribed prayers. The Malikis state that it is an obligatory duty in towns where the Friday prayer is held, and if the people of such a place abandon the call to the prescribed prayer, they will be fought on that account.

1.1.11.2. THE CALL TO THE PRESCRIBED PRAYER IS INVALID IN CERTAIN CASES

The Hanbalis observe that it is not valid to make the call to the prescribed prayer for the prescribed prayer for the dead or for a supererogatory prayer or for one performed to fulfill a vow (*al-salat al-mandhurah*). The Malikis say that it is not valid for a supererogatory or prescribed prayer for the dead or for an obligatory daily prayer performed after the lapsing of its time (*al-salat al-faitah*). The Hanafis state that it is valid for the prescribed prayers performed on the two festivals (*id*), for the prayer performed on the occurrence of an eclipse (*salat al-kusuf*), for prayers made for rain (*istisqa*), and for *tarawih* and *sunnah* prayers. The Shafiis do not consider it valid for the prescribed prayer for the dead, *mandhurah* and supererogatory

prayers. The Jafaris observe that the *Shariah* has introduced the call to the prescribed prayer only for the five daily prescribed prayer, and it is recommended for them, whether performed as 'on time' or 'missed', with a group or singly, during a journey or stay, both for men and women. It is not valid for any other prescribed prayer, recommended or obligatory, and the caller to the prescribed prayer will call out "*al-salat*" three times on occasions of *salat al-kusuf* and the festival prescribed prayers.

1.1.11.3. THE CONDITIONS FOR THE CALL TO THE PRESCRIBED PRAYER

The schools concur that the conditions for the validity of the call to the prescribed prayer are: maintaining continuity of its recital and the sequence of its different parts and that the caller to the prescribed prayer (*muadhdhin*) be a sane Muslim man.¹⁵ The call to the prescribed prayer by a child of discerning age is valid. All the schools concur that prescribed purity is not required for the call to the prescribed prayer .

The schools differ regarding other aspects. The Hanafis and the Shafiis say that the call to the prescribed prayer is valid even without one's intention being make known. The other schools require one to make one's intention known.

The Hanbalis consider making the call to the prescribed prayer in any language other than Arabic as being unconditionally valid. The Malikis, Hanafis and Shafiis state that it is not valid for an Arab to make the call to the prescribed prayer in any other language, although it is valid for a non-Arab to make it in his own tongue, for himself and his co-linguals.

The Jafaris observe that the call to the prescribed prayer is not valid before the arrival of the time of prescribed prayer except in the case of the morning prescribed prayer. The Shafiis, Malikis, Hanbalis and many Jafaris permit the making of the call to the prescribed prayer of announcement before the dawn. The Hanafis do not permit it, making no difference between the morning prescribed prayer and other prescribed prayers. This opinion is closer to caution.

1.1.11.4. THE FORM OF THE CALL TO THE PRESCRIBED PRAYER

The following is the form of the call to the prescribed prayer:

Allahu akbar—four times according to all the schools and twice ac-

cording to the Malikis.

Ashhadu an la ilaha illallah—twice according to all the schools.

Ashhadu anna Muhammadan rasul Allah—twice according to all the schools.

Hayya ala al-salat—twice according to all the schools.

Hayya ala al-falah—twice according to all the schools.

Hayya ala khayr il-amal—twice according to the Jafaris only.

Allahu akbar—twice according to all the schools.

La ilaha illallah—once according to the Hanafi, Hanbali, Maliki, and Shafii schools and twice according to the Jafaris.

The Malikis and Shafiis permit repetition of the last line, considering it *sunnah*. That is, the call to the prescribed prayer, according to them, is not invalid if it is recited only once, as the Jafaris hold. The author of *al-Fiqh ala al-madhahib al-arbaah* mentions a consensus among the Hanafi, Hanbali, Maliki and Shafii schools regarding '*al-tathwib*' being recommended. *Al-tathwib* means reciting the words "*al-salatu khayrun min al-nawm*," ('prescribed prayer is better than sleep') twice after "*hayya 'ala al-falah*" The Jafaris prohibit it.¹⁶

1.1.12. DECLARATION TO PERFORM THE PRESCRIBED PRAYER

For both men and women, it is recommended to recite the declaration to perform the prescribed prayer (*iqamah*) before every daily prescribed prayer with the prescribed prayer immediately following it. The rules applicable to the call to the prescribed prayer, such as continuity, sequence, its being in Arabic, etc., apply to the declaration to perform the prescribed prayer, as well. Its form is as follows:

Allahu akbar—twice according to all the schools except the Hanafis who require it four times.

Ashhadu an la ilaha illallah—once according to the Shafiis, Malikis and Hanbalis and twice according to the Hanafis and Jafari.

Ashhadu anna Muhammadan rasulullah—once in the opinion of the Shafiis, Malikis and Hanbalis, and twice according to the Hanafis and Jafaris.

Hayya ala as-salat—once in the opinion of the Shafiis, Malikis and Hanbalis, and twice according to the Hanafis and Jafaris.

Hayya ala al-falah—once in the opinion of the Shafiis, Malikis and Hanbalis, and twice according to the Hanafis and Jafaris.

Hayya ala khayr il-amal—twice only according to the Jafaris.

Qad qamat is-salah—twice in the opinion of all schools, except the Malikis who recite it once.

Allahu akbar—twice in the opinion of all the schools.

La ilaha illal lah—once in the opinion of all the schools.

A group of Jafari jurists observe that it is valid for a traveller and a person in a hurry to recite each sentence of both the call to the prescribed prayer and declaration to perform the prescribed prayer only once.

1.1.13. THE ESSENTIALS OF PRESCRIBED PRAYER

The validity of prescribed prayer is dependent upon having the prescribed purity—both from both types of impurity, *hadath* and *khathath*—setting in of its time, facing the *qiblah*, and wearing sufficient clothing. The fulfillment of these conditions before starting the prescribed prayer is necessary, and they have been discussed in detail in the preceding pages. Prescribed prayer also comprises certain essentials (*arkan wa faraid*) which are performed as parts of prescribed prayer. They are many, and among them are the following:

1.1.13.1. DECLARATION OF INTENTION

The jurists of each school differ among themselves regarding the content of the intention required for prescribed prayer, that is, whether it is necessary to specify the prescribed prayer (such as its being noon or afternoon prescribed prayer), whether it is obligatory or supererogatory, complete or shortened, on time or missed, and so on.

The essence of the intention, as mentioned in the chapter on the prescribed ablution, is the intention to perform an act with the motive of obedience to a command of God Almighty. Specification of a particular prescribed prayer, whether it is obligatory or supererogatory, on time or missed, is dependent upon the intention of the person who is to perform the prayer (*musalli*). Thus if a person intends to perform a supererogatory prescribed prayer at the start and performs it with this intention, it will be supererogatory; if a person intends to perform an obligatory prescribed prayer, such as noon or afternoon prayer, it will be so. But if a person does not intend anything, it will be a waste of labor, although it is impossible for one not to intend anything because any act performed by a sane person cannot be without an intention regardless of whether it is expressed in specific words or not, and irrespective of whether the person is attentive to his or her intention or not. Therefore, all the schools concur that it is not nec-

essary to express the intention in words. Similarly, it is also ordinarily impossible for one who knows the difference involved to intend noon while performing the afternoon and while performing a supererogatory one.

1.1.13.2. THE FIRST RECITATION OF *ALLAHU AKBAR* WHICH BEGINS THE SACRED STATE OF THE PRESCRIBED PRAYER

Prescribed prayer does not materialize without the recitation of "*Allahu akbar*" which prohibits anything but the prescribed prayer (*takbirat al-ihram*). Its name derives from the Tradition of the Prophet, "Prescribed purity is the key to prescribed prayer; its consecration is the *takbirah*; and its termination is *taslim*." The Tradition means that with *takbirat al-ihram* it becomes forbidden to speak or perform any act incompatible with prescribed prayer, and by reciting *taslim*, those acts which were prohibited after reciting the *takbirah* become permissible again. Its formula is "*Allahu akbar*." According to the Jafaris, Malikis and Hanbalis no other form is permissible. The Shafiis observe that both "*Allahu akbar*", and "*Allah al-akbar*" (with the addition of *alif* and *lam* to "*akbar*") are permissible. The Hanafis state that any other synonymous words such as '*Allahu al-azam*' and '*Allahu al-ajall*' will do. All the schools, excepting the Hanafi, concur that it is obligatory to recite it in Arabic, even if the person performing the prescribed prayer is a non-Arab. It is obligatory for him or her to learn enough Arabic to recite it. If the person cannot learn, that person may translate it into his or her own tongue. The Hanafis observe that it is valid to recite it in any language even if one can recite it in Arabic.

There is consensus among the schools that at the time of reciting *takbirat al-ihram* all the conditions necessary for prescribed prayer (such as prescribed purity, facing the *qiblah*, covering the body, etc.) should be present, and that it should be recited — when one has the ability to do so — while standing stationary, and in a voice that the person can hear. The word '*Allah*' should precede '*akbar*', and the reverse, '*akbar Allah*', will not suffice for entry into *qiyam*.

1.1.13.3. STANDING UPRIGHT FACING THE QIBLAH

The schools concur that standing in the prescribed prayer (*qiyam*) is obligatory (*wajib*) in the prescribed prayer from the beginning of *takbirat al-ihram* to the bending forward, and that standing upright, stationary and independently are its requisites. Hence it is not valid to recline on any support when one is able to stand without it. If one cannot stand, one may per-

form the prescribed prayer sitting, and if this is not possible, while lying down on the right side facing the *qiblah* (in the same position that a dead body is placed in the grave). This is the opinion of all the schools except the Hanafis, who state that a person who cannot sit will perform the prescribed prayer lying down on his or her back with his or her feet pointing towards the *qiblah*, so that his or her gestures in place of the actual bending forward and prostration are made towards the *qiblah*.

If it is not possible to perform the prescribed prayer while lying on the right side, the Jafaris, Shafiis and Hanbalis permit the person to perform the prescribed prayer lying on his or her back by making gestures with his or her head. If gesturing with the head is not possible, he or she will gesture with the eyelids.

The Hanafis say that if his or her state is as bad as that, the duty of the prescribed prayer will no longer apply to him or her, although he or she will have to make up for the missed prescribed prayers when his or her condition improves and the hindrance is removed.

According to the Malikis, a sick person such as this is not required to perform the prescribed prayer and it is also not obligatory for him or her to make up for the missed prescribed prayers.

The Jafaris, Shafiis and Hanbalis state that the duty of the prescribed prayer does not disappear in any situation; if the person is unable to gesture by blinking his or her eyes, he or she will pass the prescribed prayer through his or her mind and move his or her tongue in reciting the recitation of the Quran (*qiraah*) and *dhikr*. If the person is unable to move the tongue, he or she will imagine it in his or her mind as long as his or her mind works. To sum up, the prescribed prayer is obligatory upon those who are fully capable and those who are not so capable. It may not be neglected in any situation, and every person must perform it in accordance with his or her ability. Hence it is performed while standing, then sitting, then lying down on one's side, then lying down on one's back, then gesturing by blinking the eyes, and passing it through the mind, in that order. A fully capable person as well as one not capable will move from the previous state to the new situation which has come into existence. Hence if a fully capable person loses his or her ability during prescribed prayer or one not capable regains it, either of them will perform the remaining part in accordance with his or her ability. Therefore, if a person performs one cycle standing and is then unable to stand, that person will complete it sitting, and if the person performs the first cycle sitting and then regains the strength to stand, he or she

will complete the remaining prescribed prayer standing.

1.1.13.4. RECITATION OF THE QURAN

The schools differ whether the recitation of the first chapter (*qiraah*) of the Quran, *Surat al-Fatihah*, is obligatory in every cycle, or in the first two cycles, or in all the cycles without there being any other alternative. They also give different answers to the following questions: Is the *bismalah* (recitation of "In the Name of God, the Merciful, the Compassionate") an essential part of *al-fatihah* or is it valid to omit it? Is it obligatory or recommended to recite aloud or in a low voice? Is it obligatory to recite another chapter after the first chapter of the Quran in the first two cycles? Can the *tasbih* replace the chapter? Is the folding of arms during the prescribed prayer a *sunnah* or is it forbidden? And so on.

The Hanafis observe that it is not obligatory to recite only the first chapter of the Quran, *Surat al-Fatihah*, in the daily prescribed prayer, and anything recited from the Quran may take its place, because God the Exalted, says, "*recite of the Quran as much as was easy*" (73:20)¹⁷ The recital from the Quran is obligatory in the first two cycles; but in the third cycle of the evening prescribed prayer and the last two cycles of afternoon and night prescribed prayers there is an option between reciting from the Quran or saying the *tasbih* or keeping quiet.¹⁸

Moreover, the Hanafis say that it is valid to forego the *bismalah* because it is not a part of any chapter. Neither reciting aloud nor in a low voice are recommended, and a person performing the prayer, praying alone, is free to recite in a voice that he or she alone can hear or in a voice audible to others. There is no raising of the hands, palms up (*qunut*) while standing (*qiyam*) and offering a prayer in the prescribed prayer with the exception of the single cycle prescribed prayer (*salat al-watr*). As to folding the arms during prayer (*takattuf*), it is part of the *sunnah* (*masnun*) and not obligatory. Its preferable form is for a person to place the palm of his right hand on the back of his left hand below the navel, and for a woman to place her hands on her chest.

The Shafiis state that the first chapter of the Quran, *Surat al-Fatihah*, is obligatory in every cycle, without there being any difference in this regard between the first two cycles and the other cycles and between obligatory and recommended prescribed prayer. The *bismalah* is a part of the chapter and cannot be omitted under any circumstance. The recitation should be aloud in the morning prayer and the first two cycles of evening

and night prescribed prayers; the remaining recitals are to be in a low voice. The raising of the hands palms up while standing (*qunut*) is recommended only in the morning prayer, and is to be performed after rising from the bending forward of the second cycle. Similarly, it is recommended to recite another chapter after the first chapter of the Quran only in the first two cycles. The folding of the arms is not obligatory, but a *sunnah* for both the sexes. Its preferable form is to place the right hand palm on the back of the left hand between the chest and the navel and towards the left side.

According to the Malikis, reciting the first chapter of the Quran, *Surat al-Fatihah*, is necessary in every cycle, without there being any difference in this regard between the earlier and later cycles and between the prescribed (*fard*) and recommended prayer, as observed earlier by the Shafiis. It is recommended to recite another chapter after first chapter of the Quran in the first two cycles. The *bismalah* is not a part of the chapter and it is recommended to omit it altogether. Reciting aloud is recommended in the morning prescribed prayer and the first two cycles of evening and night prescribed prayers. *Qunut* is to be recited only in the morning prayer. The folding of the arms is valid in their opinion, although it is recommended to keep the hands hanging freely in the obligatory prayers.

The Hanbalis consider the first chapter of the Quran, *Surat al-Fatihah*, to be obligatory in every cycle, and to recite a chapter after it in the first two cycles as recommended. The morning prayer and the first two cycles of evening and night prayers are to be recited aloud. The *bismalah* is a part of the chapters although it will be recited in a low voice and not aloud. *Qunut* is to be recited in *salat al-watr* and not in any other prescribed prayer. The folding of the arms is a *sunnah* for both men and women and its preferable form is to place the right hand palm on the back of the left hand below the navel.

It is evident that the folding of the arms, which the Hanafi, Hanbali, Maliki and Shafii jurisprudents call '*qabd*' and the Jafari jurisprudents '*takfir*' i.e. to conceal—is not obligatory in the opinion of the Hanafi, Hanbali, Maliki and Shafii schools.

The Jafaris state that reciting the first chapter of the Quran, *Surat al-Fatihah*, is necessary in the first two cycles of every prescribed prayer and no other chapter can suffice in its place but it is not obligatory in the third cycle of evening and the last two cycles of four cycle prescribed prayers; rather, one has an option between it and *tasbih*. '*Tasbih*' means the recitation of (Arabic) thrice, although even once is sufficient. It is obligatory to

recite another complete chapter in the first two cycles, and the *bismalah* is a part of the chapters which cannot be omitted under any circumstance. It is obligatory to recite aloud only the chapters and not the other recitations in the morning prayer and the first two cycles of the evening and night prescribed prayers. The recitation of the Quran in the noon and afternoon prescribed prayers is to be done, except for the *bismalah*, in a low voice in their first two cycles and also in the third cycle of the evening and the last two cycles of night prescribed prayers.

Qunut is recommended in the five daily prescribed prayers and its place is the second cycle after the recital of the chapter and before bending forward. The minimum level of voice considered loud is that a person nearby be able to hear it, and the minimum for low voice is that the person himself be able to hear it. The schools concur that reciting aloud is not prescribed for women, nor is reciting in a voice lower than what can be heard by herself. If a person performing the prescribed prayer voluntarily recite loudly something which is to be recited in a low voice and vice versa, his prescribed prayer will be invalid, if this is not done due to ignorance or forgetfulness.

The Jafaris also consider saying "*amin*" during prescribed prayer to be forbidden and a cause for invalidating the prescribed prayer, irrespective of whether one is praying individually or as a leader or as performing the prescribed prayer behind a leader, because it is something adopted by the people, and nothing adopted by them is capable of being included in the prescribed prayer. The Hanafi, Hanbali, Maliki and Shafii schools concur that it is recommended in accordance with the narration of Abu Hurayrah that the Prophet said, "When the *imam* says, '*ghayr il maghdubi alaymhim wa la-dd allin*' then say, '*Amin*'."

The Jafaris negate the authenticity of this Tradition. Most Jafaris consider folding the arms (*takattuf*) in prescribed prayer to render it invalid because there is no explicit statement in support of it. Some of them say that folding of the arms is forbidden and one who does it sins, although his or her prescribed prayer is not invalidated. A third group from among them observes that it is disapproved and not forbidden.

1.1.13.5. BENDING FORWARD

There is consensus among the schools that bending forward, hands upon the knees (*ruku*) is obligatory in prescribed prayer, but they differ regarding the extent to which it is obligatory and the necessity of staying mo-

tionless in that position.

The Hanafis observe that it is obligatory to bend down in any possible manner and staying motionless is not obligatory. The remaining schools consider it obligatory to kneel down until the palms of the person performing the prescribed prayer reach his or her knees and to stay motionless during the bending forward.

The Shafiis, Hanafis and Malikis state that it is not obligatory to recite anything during the bending forward, although it is sunnah that the person say, "*Subhana rabbi al azim.*"

The Jafaris and the Hanbalis consider tasbih to be obligatory during the bending forward and its formula in the opinion of the Hanbalis is "*Subhana rabbi al-azim,*" and according to the Jafaris "*Subhana rabbi al-azim wa bi hamdih*" or just "*Subhanallah*" three times. It is recommended in the opinion of the Jafaris to add after the tasbih a benediction for Muhammad and his Family, "*allahumma salli 'ala Muhammadin wa ali Muhammad.*"

The Hanafis say that it is not obligatory to return to the standing position after bending forward, and it is sufficient, although disapproved, to perform the prostration straightaway.

The other schools consider it obligatory to return to the standing position and recommended to recite the *tasmi*, which is to say: "*sami allahu li man hamidah*" (God hears one who praises Him). According to the Jafaris, it is obligatory to stay motionless in this standing up (*qiyam*).

1.1.13.6. PROSTRATION

There is consensus among the schools that prostration (*sujud*) is obligatory to be performed twice in each cycle. They differ regarding its details, as to whether it is obligatory to prostrate with all the seven parts of the body touching the ground while performing it or if it is sufficient to lay on the ground only some of them. These seven parts are: the forehead, the palms, the knees and the big toes.

The Malikis, Shafiis and Hanafis state that it is obligatory to place only the forehead on the ground in prostration, and placing the other parts is recommended.

The Jafaris and the Hanbalis observe that it is obligatory to place all the seven parts on the ground while performing prostration. It has been narrated from the Hanbalis that they add the nose to these seven, thus making them eight.

The difference of opinion regarding reciting *tasbih* and being motion-

less during prostration is similar to the difference mentioned concerning bending forward. Those who consider them obligatory there, consider them obligatory here, as well. The Hanafis do not consider it obligatory to sit between the two prostration; the remaining schools consider it obligatory.

1.1.13.7. SITTING WITH FOLDED KNEES AND BEARING

WITNESS

Tashahhud can be recited twice in prescribed prayer. The first, after the second cycle of noon, afternoon, evening and night prescribed prayers, which is not followed by *taslim* and the second in the last cycle of the two, three, and four cycle prescribed prayers, which is followed by *taslim*.

The Jafaris and the Hanbalis state that the first *tashahhud* is obligatory. The remaining schools consider it recommended and not obligatory. The second *tashahhud* is considered obligatory by the Shafiis, Jafaris and Hanbalis, and recommended by the Malikis and Hanafis.¹⁹

1.1.13.8. SENDING GREETINGS

The Shafiis, Malikis and Hanbalis observe that *taslim* is obligatory. The Hanafis do not consider it obligatory.²⁰ The Jafaris differ among themselves, a group considers it obligatory, while others, including al-Mufid, al-Shaykh al-Tusi and al-Allamah al-Hilli, regard it as recommended. It has only one form in the opinion of the Hanafi, Hanbali, Maliki and Shafii schools, and it is:

as-salamu alaykum wa rahmatullah
as-salumu alaykum wa rahmatullah

The Hanbalis say that it is obligatory to recite it twice. The others consider reciting once as sufficient. The Jafaris state that *taslim* consists of two formulas; the first is:

as-salamu alayna wa ala ibadi-l-lahi-s-salihin

and the second:

as-salamu alaykum wa rahmatu l-lahi wa barakatuhu

One of them is obligatory. Hence, if a person recites the former, the latter

will be recommended, and if he or she recites the latter, he or she will stop at it. As to:

as-salamu alayka ayyahan nabiyyu wa rahmatu-l-lahi wa barakatuhu

it is not a part of *taslim*, and is a recommended addition to the *tashahhud*.

1.1.13.9. SEQUENCE

Proper sequence (*tartib*) is obligatory between the different parts of prescribed prayer. Hence the *takbirat al-ihram* must precede the recitation of the Quran, the recitation of the Quran must precede the bending forward, hands upon the knees, the bending forward, hands upon the knee must come before the prostration, and so on.

1.1.13.10. CONTINUITY

Continuity (*muwala-t and tatabu*, that is, to occur one after another) is obligatory between the parts of prescribed prayer and between the different portions of a part. Therefore, the recitation of the Quran must begin immediately after the *takbirah* and bending foreword, hands upon the knees, must similarly follow the recitation of the Quran, and so on. The verses, words and letters must not be recited in a manner breaking continuity.

1.1.14. ERROR AND DOUBT DURING PRESCRIBED PRAYER

The schools concur that a willful violation of any obligatory act in prescribed prayer renders it invalid and that a flaw by mistake (*sahw*) can be atoned for by performing the prostration for mistakes (*sujud al-sahw*) as described below.

The Hanafis state that the form of *sujud al-sahw* is that the person performing the prayer should perform two prostrations followed by the recitation of *tashahhud* and *taslim*, prayer and benediction for the Prophet. This prostration should be performed after *taslim*, provided there is sufficient time for that prescribed prayer. Hence if, for instance, someone makes an involuntary error in the prescribed prayer for dawn and finds that the sun has risen before his or her performing *sujud al-sahw*, the person is not required to perform it any more. The cause necessitating *sujud al-sahw* is the person performing the prescribed prayer omitting an obligatory part or adding an extra essential part—such as bending forward or prostration. If numerous lapses occur in a single prescribed prayer, the two prostrations

will suffice for them all, because their repetition is not valid in their opinion. And if there occurs a lapse in the *sujud al-sahw* it requires no rectification.²¹

The Malikis observe that in its form, *sujud al-sahw* consists of two prostrations followed by *tashahhud* without any supplication and benediction for the Prophet. As to the place of this prostration, in the event that it is on account of an omission or due to both an omission and an addition, it will be performed before the *taslim*; but if the cause is only an addition, then after the *taslim*. Moreover, *sujud al-sahw* atones for an involuntary omission of a recommended part of the prescribed prayer; hence if the omitted part is an obligatory part of prescribed prayer, it cannot be atoned by *sujud al-sahw* and must be performed. However, if the mistake is one of involuntary addition—such as an extra bending forward or two, or one or two additional cycles—it is atonable by *sujud al-sahw*.

The Hanbalis say that it is valid to perform *sujud al-sahw* before or after the *taslim*. It consists of two prostrations followed by *tashahhud* and *taslim*. Its causes are involuntary addition or omission as well as doubt. An example of addition is to perform an additional standing or sitting. One who sits where he is supposed to stand or vice versa will perform *sujud al-sahw*.

Where there is an omission, the following procedure is to be followed in their opinion. If the person remembers the omission before starting the recitation of the Quran of the next cycle, it is obligatory for that person to perform the part omitted as well as *sujud al-sahw*; and if that person comes to remember it only after starting the *qiraah* of the next cycle, the former cycle will be annulled and the latter will take its place and *sujud al-sahw* will also be performed. To illustrate the same, if a person forgets the bending forward in the first cycle and becomes aware of it after performing the prostration of the same cycle, that person will perform the bending forward and then repeat the prostration, and if the person becomes aware of it only after starting the *qiraah* of the second cycle, the former cycle will be considered null and void and the second cycle will take its place.

An example of doubt necessitating *sujud al-sahw* is the case when a person doubts whether the bending forward has been performed or not, or has a doubt regarding the number of cycles performed. Here the person will consider that portion of the prescribed prayer he or she is sure of having performed as the basis and will perform the remaining prescribed prayer, and carry out *sujud al-sahw* on finishing it. Two prostrations suffice for several mistakes, even if their causes differ, and a lapse committed by

someone prone to making mistakes will not be considered a lapse.

According to the Shafiis, the place of *sujud al-sahw* is after the *tashahhud* and benediction of the Prophet and before the *taslim*. Its mode of performance is like the one prescribed by the above-mentioned schools. The reasons for its performance are: omission of an emphasized (*muakkadah*) sunnah, a little additional recital, the recital of the first chapter of the Quran (*Surat al-Fatihah*) by mistake, the following of a leader (*imam*) whose prescribed prayer is faulty, a doubt in the number of cycles, and the omission of a specific part.

The Jafaris differentiate between the rules applicable to cases of doubt and those applicable to errors. They state that no attention will be paid to a doubt arising concerning any act of prescribed prayer after its completion, or the doubt of a person performing the prescribed prayer behind a leader regarding the number of cycles if the leader has ascertained their number and vice versa, with each of them referring to the memory of the other. No significance is attached to the doubts of a person who doubts excessively, and similarly to a doubt repeating any act of a prescribed prayer arising after entry into its subsequent act. Hence if a doubt occurs regarding the recitation of the first chapter of the Quran after starting the recitation of the Quran of the subsequent chapter, or regarding the chapter after having gone into the bending forward, or with respect to the bending forward after having entered the prostration, the prescribed prayer will be continued without heeding the doubt. But if the doubt occurs before starting the performance of the subsequent act it is obligatory to rectify it. Hence a person who has doubt regarding the recital of the first chapter of the Quran before starting the subsequent chapter, will recite it, and similarly the chapter if he or she has a doubt concerning its recital before entering the bending forward.

As to *sujud al-sahw*, it is ordained for every omission and addition, except for reciting aloud instead of in a low voice and vice versa—as it does not entail anything—and except for any omission or addition that does not pertain to the pillars of the prescribed prayer, because their omission or addition invalidates the prescribed prayer irrespective of its being willful or by mistake. The pillars in their opinion are the following five: intention, *takbirat al-ihram*, standing, bending forward with hands upon the knees and the two prostrations of one cycle. It is not obligatory to perform any part omitted by mistake after the prescribed prayer except prostration and *tashahhud*, which are alone required to be performed among the forgotten parts. These will be performed after the completion of the prescribed prayer,

followed by *sujud al-sahw*, which consists of making two prostrations and reciting:

basmillah wa billah, allah humma salli ala muhammadin wa ali muhammad

in the state of prostration, followed by *tashahhud* and *taslim*. The number of *sujud al-sahw* required is equal to the number of the causes entailing it. They consider the mistake of a person committing excessive mistakes and a mistake committed while rectifying one as no mistake.

The Shafiis, Malikis and Hanbalis observe that if the person performing the prescribed prayer has a doubt regarding the number of cycles performed, he or she will consider the number of cycles he or she is certain of having performed as the base and will complete the prescribed prayer by performing the rest.

The Hanafis state that if the doubt of a person performing the prescribed prayer is for the first time in his or her life, he or she will repeat it from the beginning. But if it occurs to that person that he or she has doubts in the prescribed prayer earlier as well, he or she will think for quite a while and will act in accordance with what seems more probable to him or her. But if the doubt remains even after thinking, he or she will consider the number of cycles he or she is certain of having performed as the base.

The Jafaris say that if the doubt concerning the number of cycles performed occurs in a two-cycle prescribed prayer (such as the dawn prescribed prayer, the prescribed prayer of a traveller, *salat al-jumuah*, *salat al-idayn*, and *salat al-kusuf*) or in the evening prescribed prayer or in the first two cycles of night, noon and afternoon prescribed prayers, that prescribed prayer will be invalidated and it will be obligatory to begin it again from the beginning. But if the doubt occurs in the cycles subsequent to the first two cycles of the four-cycle prescribed prayers, the person will, because of caution, perform prescribed prayer after completing the prescribed prayer and before performing any act incompatible with prescribed prayer.

For example, if a doubt arises after the completion of the two prostrations of the second cycle as to whether it is the second or the third cycle, the person will take the greater number of cycles as the basis and complete the prescribed prayer. He or she will then perform as caution (*ihtiyat*) two cycles while sitting or a single cycle standing. If the doubt concerns his or her being in third or fourth cycle, that person will consider it the fourth

cycle and complete the prescribed prayer and follow it up with a single cycle standing or two cycles sitting by way of caution. If the doubt concerns his or her being in second or fourth cycle, he or she will consider it the fourth cycle. He or she will then offer two cycles standing. If there is a doubt regarding its being second, third or fourth cycle, he or she will assume it to be the fourth cycle, and offer following it two cycles standing and two cycles sitting.

According to them, the reason for performing these cycles is to preserve the prescribed form of prescribed prayer and avoid additions and omissions. Their point is illustrated by the example of a person who has a doubt between its being third or fourth cycle. He will consider it to be the fourth cycle and perform a single cycle separately after completing the prescribed prayer. If the prescribed prayer has been complete, the additional cycle performed separately will be considered as supererogatory, and if the prescribed prayer had been incomplete, the separate cycle will complement it. However, this manner of performing the cautionary prayer (*salat al-ihhtiyat*) is particular to the Jafaris.

They limit this procedure to the obligatory prescribed prayer and among them to noon, afternoon and night prescribed prayers only. As to the supererogatory (*nafileh*) prayers, the person performing the prescribed prayer is free to consider the minimum or maximum cycles probably performed as the basis, provided such supposition does not invalidate the prescribed prayer (such as where he or she doubts his or her being in second or third cycle with the knowledge that the supererogatory comprises only two cycles. Here he or she will consider the minimum number of cycles probably performed as the basis. It is better in all recommended prayers to consider the minimum ascertainable number of cycles as the basis. If a doubt concerning cycles arises in the prescribed prayer for caution, the maximum number of the prescribed prayers probably performed will be made the basis, except where doing so invalidates the prescribed prayer, in which case the minimum number of prescribed prayers will be the basis. Some Jafaris observe that one is free to choose as basis either the minimum or the maximum prescribed prayers probably performed.

1.2. THE FRIDAY PRESCRIBED CONGREGATIONAL PRAYER

1.2.1. ITS OBLIGATORY ACTS

There is consensus among all the Muslims regarding the Friday prescribed prayer (*salat al-jumuah*) being obligatory in accordance with the

words of God, the Exalted, "*O those who believed! When the formal prayer was proclaimed on the day of congregation, then, hasten about to the Remembrance of God and forsake trading*" (62:9) as well as the *mutawatir* Traditions narrated by all five schools of law. They differ as to whether its obligatory acts are conditional to the presence of the ruler or his deputy or if it is obligatory unconditionally.

The Hanafis and the Jafaris state that the presence of the ruler or his deputy is necessary; the Friday prayer is not obligatory if neither of them is present. The Jafaris require the ruler to be just; otherwise his presence is equal to his absence. To the Hanafis, his presence is sufficient even if he is not just.

The Shafiis, Malikis and Hanbalis attach no significance to the presence of the ruler, and a large number of Jafaris observe that in the absence of a ruler or his representative and the presence of a just jurist, there exists an option between performing either the Friday or the noon prescribed prayer, although preference lies with the performance of Friday prayer.²²

1.2.2. CONDITIONS OF THE FRIDAY PRESCRIBED PRAYER

The schools concur that the requirements for other prescribed prayers (such as covering the body, and facing the *qiblah*) also apply to the Friday prescribed prayer, that its time is from when the sun crosses the meridian up to when the shadow of an object equals its height, and that it can be performed in a mosque as well any other place, except in the opinion of the Malikis who do not consider it valid except in a mosque.

There is also consensus that it is obligatory for men, not for women, that one who performs it is not required to perform the noon prayer, that it is not obligatory for the blind, and that it is not valid except when performed in congregation (*jamaah*). They differ regarding the minimum number of persons required to form a congregation. The Malikis state that its minimum is twelve, excluding the leader. The Jafaris consider it to be four, excluding the leader. In the opinion of the Shafiis and Hanbalis, it is forty, including the leader; according to the Hanafis it is five, although some of them say it is seven.

The schools, excepting the Hanafi, concur in its being prohibited for someone upon whom the Friday prescribed prayer has become obligatory and its conditions fulfilled, to travel after the sun has crossed the meridian before performing it. The Hanafis allow it.

1.2.3. THE FRIDAY SERMONS

There is consensus that the two sermons are a requirement for convening the Friday prescribed prayer and that they are to be delivered before the prescribed prayer part begins, although after the setting in of its time and not earlier. They differ regarding the obligatory acts of standing while delivering them. The Jafaris, Shafiis and Malikis require it, but not the Hanafis and Hanbalis.

As to their content, the Hanafis say that the sermon will be considered delivered even by a minimal *dhikr*, such as uttering "*al-hamdullah*" or "*astaghfirullah*", although such brevity is disapproved. The Shafiis observe that it is necessary in both the sermons to praise God, invoke blessings on the Prophet, to exhort to piety, to recite a verse in at least one of the sermons, although reciting it in the first is better, and to supplicate for the faithful in the second sermon. According to the Malikis, anything considered by custom as a sermon suffices, provided it includes exhortation and announcement of good news. The Hanbalis consider it essential to praise God, invoke blessings on the Prophet, recite a verse and counsel piety. The Jafaris state that it is obligatory in each of the sermons to praise and extol God, invoke blessings on the Prophet and his family, preach, and recite something from the Quran, and in the second sermon, to implore God's forgiveness and to pray for the faithful. The Shafiis and Jafaris observe that it is obligatory for the preacher to separate the two sermons by sitting down for a short while between them. The Malikis and Hanafis consider it recommended.

According to the Hanbalis, the sermon should be delivered in Arabic, if possible. The Shafiis consider Arabic necessary if the people are Arabs, and if they are non-Arabs, the preacher should preach in their language even if he is well-versed in Arabic. The Malikis say that it is obligatory to preach in Arabic even if the people are non-Arabs and do not understand a word of Arabic. If there is no one among them who knows Arabic, there is no obligation to perform the Friday prescribed prayer. The Hanafis and the Jafaris do not consider Arabic a condition for delivering the sermons.

1.2.4. ITS MODE OF PERFORMANCE

The Friday prescribed prayer comprises two cycles, just like the morning prescribed prayer. The Jafaris and the Shafiis observe that after the recitation of the first chapter of the Quran in each cycle, it is recommended to recite *Surat al-Jum'ah* in the first cycle and *Surat al-Munafiqun* in the

second. The Malikis state that *Surat al-Jumuah* will be recited in the first cycle and *Surat al-Ghashiyah* in the second. According to the Hanafis it is disapproved to confine to a particular chapter.

1.3. THE FESTIVAL PRAYERS

The schools differ concerning the prayers performed on the two festivals (*al-Fitr* and *al-Adha*), as to whether they are obligatory or recommended. The Jafaris and the Hanafis observe that it is obligatory for every individual if the conditions mentioned for the Friday prescribed prayer are fulfilled. If some or all of these conditions do not exist, there is no obligatory acts in the opinion of the two schools, except that the Jafaris add that in the absence of conditions necessary for its obligatory acts, one can perform it as recommended either singly or in congregation (*jamaah*), both during a journey and stay. According to the Hanbalis it is *fard kifai*. The Shafiis and the Malikis consider it a *sunnah muakkadah*.

In the opinion of the Jafaris and the Shafiis its time is from sunrise until the sun crosses the meridian. According to the Hanbalis, its time is from when the sun rises to the height of a spear until it crosses the meridian.

The Jafaris say that delivering of two sermons is obligatory here as in the Friday prescribed prayer. The other schools consider it as recommended. All the schools concur that the sermons are to be delivered after the prayer part, as against the Friday prescribed prayer, in which they are delivered earlier.

According to the Jafaris and the Shafiis, it can be validly performed individually as well as in congregation. The other schools consider congregation necessary for the festival prescribed prayer (*salat al-id*).

As to the mode of its performance, it comprises two cycles, performed differently by the various schools in the following manner. The Hanafis say that *takbirat al-ihram* should be said after making the intention, followed by the praise of God. Then will follow three more *takbirahs*, with an interval of silence equaling three *takbirahs*, and it is also correct to say:

subhan Allah wa alhamdullilah wa la ilaha ill-Allah wa Allahu akbar

Then will follow recital of the first chapter of the Quran, another *surah*, then bending forward and prostration, in that order. The second cycle will begin by reciting the first chapter of the Quran, which will be followed by another chapter, three *takbirahs*, bending forward and prostration. After

this the prescribed prayer will be completed.

The Shafiis say that after saying the *takbirat al-ihram*, the *dua al-istiftah*²³ will be recited, followed by seven *takbirahs*, reciting after every two of them in a low voice.

subhan Allah wa alhamdullilah wa la ilaha ill-Allah wa Allahu akbar

Then after *taawwudh*: the first chapter of the Quran and *Surat Qaf* will be recited, followed by bending forward and prostration. After standing up for the second cycle and saying a single *takbirah* for it, five more *takbirahs* will be added, reciting after every two of them :

subhan Allah wa alhamdullilah wa la ilaha ill-Ahhal wa Allahu akbar

This will be followed by the first chapter of the Quran and *Surat Iqtarabat*, and then the prescribed prayer will be completed.

The Hanbalis say that the *dua al-istiftah* will be recited followed by six *takbirahs* reciting after every two of them in a low voice:

wal hamdullilah kathiran wa suban Allah bukrat wa asilen wa salli Allah ali muhammad wa alihi wa sallam tasliman

This will be followed by *taawwudh*, *bismalah*, *al-Fatihah* and *Surat Sab-bihisma Rabbik*. The cycle will be then completed. Upon standing up for the second cycle, five *takbirah* as, apart from the *takbirah* for the standing, will be said, reciting after every two of them what was mentioned concerning the first cycle. Then the *bismalah*, will be followed by *Surat al-Ghashiyah* and bending forward and the prescribed prayer will then be completed.

The Malikis say that after the *takbirat al-ihram*, six more *takbirahs* will be said, followed by *al-Fatihah*, *Surat al-Ala*, bending forward and prostration. Then standing up for the second cycle and saying the *takbirah* for it, five more *takbirahs* will be said, followed by *al-Fatihah*, *Surat al-Shams* or a similar surah; the prescribed prayer (*salat*) will then be completed.

The Jafaris say that the *takbirat al-ihram* will be followed by *al-Fatihah* and another *surah*. Then five *takbirahs* will be said with the raising of the hands, palms up while standing and offering a supplication after each

of them, then bending forward and prostration will follow. After standing up for the second cycle, *al-Fatihah* and another *surah* will be recited, followed by four *takbirahs*, each of them followed by *qunut*. Then the bending forward will be performed and the prescribed prayer completed.

1.4. THE PRAYER OF THE ECLIPSES

The Hanafi, Hanbali, Maliki and Shafii schools observe that the solar and lunar eclipse prescribed prayer is an emphasized *sunnah* and not obligatory. The Jafaris state that it is obligatory for every *mukallaf*. It does not have a special form in the opinion of the Hanafis; rather it is to be performed in two cycles like a suppuratory prayer, each cycle comprising a single standing and bending forward. The person performing the prayer is free to perform it in two, four, or more cycles.

According to the Hanbalis, Shafiis and Malikis, it has two cycles, with each cycle consisting of standing twice and bending forward twice. After the *takbirat al-ihram*, *al-Fatihah* and another *surah* will be recited, followed by bending forward. After rising from the bending forward, hands upon the knees, *al-Fatihah* and another chapter will be recited, followed by bending forward and prostration. Then standing up for the second cycle, it will be performed like the first, and the prescribed prayer completed. It is also valid to perform it in the manner of a supererogatory prayer.

There is consensus that it can be performed singly as well as in congregation, except that the Hanafis observe regarding the lunar eclipse prescribed prayer that it has not been enacted for congregation, and has to be performed singly, at home. As to its time, all the schools excepting the Malikis concur that it begins and ends with the eclipse. The Malikis say that its time begins when the sun is at a spear's height above the horizon and continues until noon. The Hanafis and the Malikis say that a two-cycle prescribed prayer is recommended at the time of any fearsome incident, such as an earthquake, thunderbolt, unusual darkness, epidemic, etc. According to the Hanbalis, it is recommended only for earthquakes.

The schools concur that this prescribed prayer does not have a call to prescribed prayer and declaration to perform the prescribed prayer, although an announcer will call out "*al-salat*" three times according to the Jafaris, and "*al-salat jamaah*" according to the other schools.

The Jafaris observe that the prescribed prayer is obligatory upon every individual during solar and lunar eclipses, earthquakes, and on the occurrence of all unsettling celestial phenomena such as the sky's darkening or

becoming extraordinarily red, strong winds, big sounds, etc.

If performed in congregation, the leader will recite only the chapters on behalf of those following him, just as in the daily prayers. The time for performing the prescribed prayer for solar and lunar eclipses is the period of their occurrence, and one who does not perform them at that time will perform them later as missed. There is no specific time for prescribed prayer to be performed consequent to earthquakes and similar fearsome incidents; rather, it is obligatory to perform these cycles as soon as their causes occur, although in the event of delay they can be performed as 'on time' as long as one is alive.

Its mode of performance is that after *takbirat al-ihram*, recitation of the first chapter of the Quran and another chapter are recited, followed by bending forward. Upon rising up from the bending forward, again the recitation of the first chapter of the Quran and another chapter will be recited, followed again by bending forward. This will continue until five bending forward are performed, and they will be followed by two prostrations. On standing up for the second cycle, the first chapter of the Quran will be recited and another chapter will follow, followed by a bending forward; this will be repeated until five bending forward are performed in the second cycle as well. Then will follow two prostrations, *tashahhud* and *taslim*. Thus altogether there are ten bending forward and every five of them is followed by two prostrations, both in the first and the second cycles.

1.5. PRESCRIBED PRAYER FOR RAIN

Prayer for rain (*salat al-istisqa*) has been expressly mentioned in the Quran and the sunnah, and there is consensus concerning it. God Almighty says, "*And mention when Moses asked for water for his folk. . .*" (2:60) and "*And I said: Ask for forgiveness of your Lord. Truly, He had been a Forgiver. He sends from heaven abundant rain for you*" (71:10-11).

A Tradition reports that once when the people of Medinah were facing drought and the Prophet was delivering a sermon, a man stood up and said, "Horses and women have perished. Pray to God to give us rain." The Prophet extended his hands and prayed. Anas narrates, "The sky was clear like a piece of glass. Then the wind began to blow. The clouds emerged and gathered and the sky poured forth its blessings. We went forth wading through the pools until we reached our homes. It continued to rain until the next Friday, and the same person stood up again and said, 'O Prophet of

Allah, houses have fallen and the caravans have been detained. So pray to God to stop it.' The Prophet smiled and then said, 'O God, make rain around us, not upon us.' Then I looked at the sky and saw it (that the clouds had split and formed a garland around Medinah.)"

The occasion for this prescribed prayer is drought, scanty rainfall, and drying up of springs. The schools concur that if rain is delayed even after performing the prescribed prayer, it is recommended to repeat it. If it is preceded by three days of fasting and the people go forth on foot, in a humble and supplicating manner, accompanied by their women and children, their elderly, men and women, and cattle, it will be more conducive for invoking Divine Mercy.

There is consensus that it is valid to perform it individually as well as in congregation, and that it does not have a call to the prescribed prayer and declaration to perform the prescribed prayer. It is recommended for the leader to deliver a sermon after the prescribed prayer. As to its mode, the schools concur that it comprises two cycles, to be performed like the two cycles of the prescribed prayer for festivals in accordance with what each school specifies in that regard. The Malikis and the Hanafis say that it is like the prescribed prayer for festivals although without the additional *takbirat*. The Jafaris observe that it is recommended after every *takbirah* to recite a prayer, hands in front, palms up imploring the mercy and blessing of God and seeking rainfall. The Hanafi, Hanbali, Maliki and Shafii schools state that this kind of supplication will be mentioned by the preacher after the prescribed prayer during the sermon, not in the prescribed prayer itself.

1.6. MISSED PRESCRIBED PRAYER

1.6.1. INTRODUCTION

There is consensus among the schools that it is obligatory to perform missed prescribed prayer (*salat al-qada*) of every obligatory prescribed prayer omitted either intentionally, or on account of forgetfulness, ignorance or sleep, and that there is no missed prescribed prayer for a woman for the prayers left during her monthly period and bleeding following childbirth, because prescribed prayer is not obligatory during these periods. The schools differ regarding one who is insane, unconscious or intoxicated.

The Hanafis state that missed prescribed prayers are obligatory upon one who loses one's senses by consuming an unlawful intoxicant, such as wine or something of its kind. As to someone insane or fainting, that person is not required to perform the prescribed prayer in the following two situ-

ations: firstly, if the state of fainting or insanity continues for a period exceeding five cycles (hence if it lasts for less than that period the person should perform its missed time); secondly, if the recovery from insanity or fainting does not occur at the time of prescribed prayer (hence if he or she recovers and does not perform the prescribed prayer), its missed time will be obligatory upon him or her.

The Malikis are of the opinion that an unconscious or insane person has to perform missed prescribed prayers. An intoxicated person will perform missed prescribed prayers if the cause of intoxication is the drinking of something forbidden, but if it is something lawful such as sour milk, there is no missed prescribed prayer for it. According to the Hanbalis, an unconscious person and one intoxicated by something forbidden will perform missed prescribed prayer, although an insane person is not required to do so.

The Shafiis state that an insane person whose state of insanity extends over the entire period of a prescribed prayer will not perform its missed time. The same applies to one in a swoon or one intoxicated, provided he or she is not responsible for his or her state.

The Jafaris consider it obligatory for anyone who has consumed an intoxicant to perform missed prescribed prayer, irrespective of whether the person drinks it knowingly or unknowingly, voluntarily or out of an exigency or under duress. As to an insane person and one who has fainting spells, that person has no missed prescribed prayer to perform.

1.6.2. THE MODE OF PERFORMING MISSED PRESCRIBED PRAYER

The Hanafis and Jafaris observe that a person who has omitted an obligatory prescribed prayer will perform the missed prescribed prayer exactly in the manner he or she would have performed it at the right time. Hence if a person with an outstanding complete prescribed prayer intends to perform it during journey, he or she should perform it completely, and one performing a shortened prayer (*qasr*) as missed prescribed prayer at home will perform it shortened. Similar is the rule respecting recital in a high or low voice. Hence if evening and night prescribed prayers are performed, missed prescribed prayer during daytime, their recital will be loud, and in the missed prescribed prayer of noon and afternoon prescribed prayers during night, the recital will be in a low voice.

The Hanbalis and the Shafiis state that the one who intends to perform

the missed prescribed prayer of a *qasr* prayer during a journey will perform it shortened in accordance with the prescribed prayer missed by that person. But if the person happens to be staying, it is obligatory upon him or her to perform it complete as missed prescribed prayer. This was with respect to the number of cycles.

As to its recital in a high or low voice, the Shafiis say that the one who performs the missed prescribed prayer of noon at night will recite in a loud voice and one performing the missed prescribed prayer of evening during daytime will do so in a low voice. The Hanbalis require all missed prescribed prayer to be recited in a low voice, irrespective of their being those that are recited in a high voice or low, and regardless of whether the missed prescribed prayer is performed during daytime or at night, except where the person performing it is a leader and the prescribed prayer is one which is recited in a high voice and it happens to be nighttime.

The schools, excepting the Shafii, concur that sequence should be maintained in the performance of the prescribed prayers missed. Thus the missed prescribed prayer of one missed earlier will be performed before the missed prescribed prayer of one missed later. Hence if evening and night prescribed prayers are missed, the former will be offered before the latter, as is the case while performing them on time.

According to the Shafiis, the maintaining of sequence in prayers missed is *sunnah* and not obligatory. Hence the prescribed prayer of a person who performs the night (*isha*) prayer before the evening (*maghrib*) prayer is valid.

1.7. PROXY FOR ACTS OF WORSHIP

There is a general consensus that appointing a proxy for carrying out prescribed prayers and fasts for a living person is not valid in any situation irrespective of whether he or she is capable or incapable of performing them himself or herself. The Jafaris state that it is valid to appoint a proxy for carrying out prescribed fasts and prayers on behalf of a dead person. The Hanafi, Hanbali, Maliki and Shafii schools observe that it is not valid in the case of a dead person, in the same manner as it is not valid for a living one.

The schools concur that appointing a proxy for the longer pilgrimage is valid in the case of a living person provided he or she is incapable of performing it himself or herself, and with greater reason in the case of a dead person. An exception are the Malikis who say that the appointing of

a proxy, both for a living or a dead person, is of no consequence.

The Jafaris are alone in observing that it is obligatory for a child to perform the missed prescribed prayer of the prescribed fasts and prayers left unperformed by his or her father or mother. But they differ among themselves and some of them state that it is obligatory to perform all that which has been missed by them, even if intentionally. Others say that it is necessary to perform the missed prescribed prayers of only those acts which they has been unable to perform due to illness or some similar cause. There are others who observe that nothing except that which has been missed by them during death-illness is to be performed as missed prescribed prayer by the child.

1.8. CONGREGATIONAL PRESCRIBED PRAYER

The Muslims are one voice regarding congregational prescribed prayer (*salat al-jamaah*) being a ceremony and symbol of Islam. It was performed perpetually by the Prophet and by the rightly-guided caliphs after him. The schools differ as to whether it is obligatory or recommended.

The Hanbalis state that it is obligatory upon every person capable of it. But if he or she forsakes the congregation and prays individually, his or her prescribed prayer will be valid, though he or she will have sinned.

The Jafaris, Hanafis, Malikis and most Shafiis observe: that it is neither obligatory individually (*ayni*) nor collectively (*kifai*) but is an emphasized recommended.

According to the Jafaris, the Shariah has ordained congregation only for obligatory, not for recommended prayers, except *istisqa* and *idayn* prayers despite the absence of its conditions. The Shafii, Hanbali, Hanafi and Maliki schools consider it ordained for both obligatory and recommended prayers.

1.8.1. CONDITIONS FOR CONGREGATION PRESCRIBED PRAYER

The following conditions have been laid down for the validity of congregation:

1. Being a Muslim. There is a consensus about it.
2. Sanity. They concur regarding it.

3. According to the Jafaris, the Malikis, and the Hanbalis in one of the two opinions narrated from Imam Ahmad, justice of the leader is necessary. The Jafaris site as their evidence the Prophet's statement, "A woman will not act as an leader for a man, nor a libertine (*fajir*) for a believer," the con-

sensus of the Jafari, as well as the reason that the leader in prescribed prayer be suggestive of leadership, and a *fasiq* is not competent to assume it under any circumstance. But they also observe that if a person were to trust someone and pray behind him, later coming to know that he is a *fasiq* person, it is not obligatory upon him to repeat the prayer.

4. Being a male is necessary, and a woman cannot act as an leader for men, although other women can follow her as their leader according to all the schools except the Malikis who say that a woman cannot act as an leader even for women.

5. The Malikis, Hanafis and Hanbalis consider maturity as a requirement for the leader. The Shafiis are of the opinion that it is valid to follow a child of discriminating age. The Jafaris have two opinions. In accordance with the first, maturity is necessary, and according to the second the leader of an adolescent is valid.

6. As per consensus, the minimum number of persons required for congregation is two, one of them being the leader; this does not include the Friday prescribed prayer.

7. The person performing the prescribed prayer behind a leader should not stand ahead of the leader, in the opinion of all the schools except the Malikis, who observe that the prescribed prayer of the person performing the prescribed prayer behind a leader will not be invalid even if he stands ahead of the leader.

8. The congregation should be conducted in a single place and there should be no partitions. The Jafaris state that there should not be an unusual distance between the person standing in prayer behind a leader and the leader without there being a connection through the continuity of the rows. The performance of the prescribed prayer in congregation is not valid if there exists between the leader and a male person standing in prayer behind a leader an obstacle which prevents the latter from seeing the leader or seeing those ahead of him who see the leader. Women are excepted and they can follow a male leader despite the presence of a partition provided the acts of the leader are not uncertain for them.

The Shafiis observe that a distance of more than 300 cubits between the leader and the person standing in prayer behind a leader is not objectionable provided there exists no obstacle. The Hanafis are of the opinion that if a person whose house adjoins a mosque follows the leader from that person's house with only a wall separating them, the prescribed prayer will be valid, provided the actions of the leader are known to that person. But

if the house and the mosque are separated by a road or stream, following the leader is not valid. The Malikis state that the difference of place does not preclude the validity of following the leader; hence if the leader and the person standing in prayer behind a leader are separated by a road, stream or wall, the prescribed prayer will be valid as long as the person standing in prayer behind a leader is capable of ascertaining the acts of the leader.

9. There is consensus that it is necessary for the person standing in prayer behind a leader to make the intention of following the leader (*niyyat al-iqtida*).

10. The identity of the prescribed prayer of the person standing in prayer behind a leader and the leader. The schools concur that following the leader is not valid if the two cycles differ in their pillars and acts (such as the daily prescribed prayers as compared to the prescribed prayer for the dead or the festival prescribed prayer); they differ regarding the remaining matters. The Hanafis and the Malikis observe that it is not valid for a person offering the noon prescribed prayer to follow one offering the afternoon prescribed prayer, and for one offering a missed prescribed prayer to follow someone offering the prescribed prayer on time, and vice versa.

The Jafaris and the Shafiis consider all these as valid. The Hanbalis consider it invalid to offer the noon prescribed prayer behind someone offering the afternoon prescribed prayer and vice versa, but they consider valid the offering of noon prescribed prayer as missed prescribed prayer behind someone performing it on time.

11. The recitation of the Quran by the leader should be perfect. Hence the schools concur that it is not valid for a person knowing the correct recitation to follow one who does not know it, and if he or she does so, his or her prescribed prayer will be invalid. According to the Hanafis, the prescribed prayer of both the leader and the person standing in prayer behind a leader will be invalid; and they have a sound ground for holding the opinion that an illiterate person should follow, as far as it is possible, someone whose recital is correct, and it is not valid for him or her to pray singly where he or she can pray with a correct recitation by attending a congregation.

1.8.2. FOLLOWING THE LEADER

There is consensus that one praying with the prescribed ablution can follow an leader who prays with dry ablution²⁴ and that it is obligatory for

the person standing in prayer behind a leader to follow the leader in the recital of the *adhkar*:

sami Allah liman hamidah subhana rabbiya-l-azimi wa bi hamdi subhana rabbiya-l-ala wa bihamdhi

They differ concerning following him in the recitation of the Quran.

The Shafiis observe that the person standing in prayer behind a leader should follow the leader in the prescribed prayers that are recited silently and not in those that are recited loudly, and it is obligatory for him or her to recite the first chapter of the Quran in all the cycles.

The Hanafis state that the person should not imitate the leader either in the prescribed prayer where the recitation is silent nor in that where it is loud. Rather, it has been narrated from Abu Hanifah that the recitation of a person standing in prayer behind a leader is a sin.²¹

According to the Malikis, the person standing in prayer behind a leader should perform the recitation in the prescribed prayer where it is silent, not in the prescribed prayer where it is loud.

The Jafaris do not consider it obligatory for the person standing in prayer behind a leader to perform the recitation in the first two cycles, but consider it obligatory in the third cycle of evening prescribed prayer and the last two cycles of the four-cycle prescribed prayers.

All the schools concur concerning the obligatory acts of following the leader actions by the person standing in prayer behind a leader, but differ in their interpretation of the term 'following' (*mutabaah*).

The Jafaris state that the meaning of *mutabaah* is that every act of the person standing in prayer behind a leader should neither precede the corresponding act of the leader nor follow it after an inordinate delay; rather it should be either simultaneous or follow it with a small lag.

In the opinion of the Hanafis, *mutabaah* is achieved by performing simultaneously or immediately afterwards or with some lag the acts performed by the leader. Hence if the person standing in prayer behind a leader performs bending forward after the leader raised his head from the bending forward but before his going down for prostration, he or she will be considered as having 'followed' the leader in the bending forward.

The Malikis say that the meaning of *mutabaah* is that every act of the person standing in prayer behind a leader should take place after the corresponding act of the leader without preceding it or occurring simultane-

ously with it or following it after excessive delay so that the person standing in prayer behind a leader will perform bending forward before but before the leader has raised his head from it.

The Hanbalis are of the opinion that *mustabaah* implies that the person standing in prayer behind a leader should neither precede the leader in any of the acts of prescribed prayer nor delay any act after the leader has performed it. Hence the leader should not enter the bending forward after the leader has finished it and the leader should not have ended the bending forward before the person standing in prayer has entered it.

1.8.3. JOINING THE CONGREGATION IN THE MIDDLE OF THE PRESCRIBED PRAYER

If a person joins the congregation after the leader has finished one or more cycles, the schools concur that he or she will make the intention for congregation and continue to perform it with the leader. But the question is whether that person will consider the cycles being performed along with the leader as the initial part of his prescribed prayer or the end part of it. For example, if that person performs only the last cycle of the evening prescribed prayer with the leader, there remain two more cycle which have to be performed: now will the third cycle which that person has performed with the leader be considered his third cycle as well with the first two cycles remaining to be performed or will it be considered the first cycle with the second and the third cycle remaining to be performed?

The Hanafis, Malikis and Hanbalis observe that the part of the prescribed prayer which the person standing in prayer behind a leader performs with the leader will be considered the end part of the former's prescribed prayer. Therefore if that person performs only the last cycle of evening prescribed prayer in congregation, it will be considered the last cycle as well and that person will perform after it a cycle in which he or she will recite the first chapter of the Quran and another chapter, followed by *tashahhud* and in the next cycle, the first chapter of the Quran and another *surah*. To put it briefly, in such a situation he or she will offer the third cycle before the first two cycles by considering the part of his or her prescribed prayer performed with the leader as the end part, and the part performed without the leader as the initial part.

The Shafiis and the Jafaris state that the part of the prescribed prayer which the person standing in prayer behind a leader performs with the leader will be considered the initial part of his or her prescribed prayer, not

the end part of it. Hence if he or she performs the last cycle of evening prescribed prayer with the leader, he or she will count it as his or her first cycle and will stand up for performing the second cycle which will include *tashahhud* and will follow it up with the third cycle that will be the end part of his or her prescribed prayer.

1.8.4. PREFERENCE FOR THE LEADER

The Hanafis say that if equally qualified men gather for the prescribed prayer, the person most learned in its rules will be preferred for leading it, followed by one with the best recitation, then the most pious, then the one whose acceptance of Islam was earlier, then the eldest, then the one superior in character, then the most handsome, then the noblest in respect of lineage, and then the most cleanly dressed, in that order. If they are all equal in respect of these qualities, the selection will be by casting lots among them.

The Malikis are of the opinion that the ruler or his deputy will lead the prayers, followed by the leader of the mosque, then the master of the house, then the one most learned in the Traditions, then the most just, then the one having the best recitation, then the most devout (*al-abad*), then the one preceding others in his acceptance of Islam, then the one having the best lineage, then the one with the best character, and then the one who is best dressed, in that order. If they are equal in these respects, lots will be cast among them.

The Hanbalis observe that the most learned in jurisprudence and having the best recitation will be preferred, followed by one who excels only in recitation; then comes the one who excels in the rules of prescribed prayer, then the one who excels in recitation but does not know the law of prescribed prayer, then the most aged, then the person with the best lineage, then the one who has migrated earliest, then the most God-fearing, and then the most pious, in that order. If they are equal in these qualities, lots will be cast.

The Shafiis prefer the ruler, and then the leader of the mosque, then the one most learned in jurisprudence, then the one having the best recitation, then the most ascetic, then the most pious, then the one who has migrated earliest, then the most eloquent, then the best in terms of lineage, then the best in character, then the cleanest in matters of dress, body and craft, then the one with the best voice, then the most handsome, and then a married person, in that order. In the event of their being equal in respect of these qualities, lots will be cast.

The Jafaris state that if a number of persons are eager to lead the prayers for the sake of the spiritual reward (*thawab*) and not for any worldly purpose, the one whom the persons standing in prescribed prayer behind a leader prefer on the basis of the preferential qualities mentioned in the *Shariah* with a religious intent in mind and not with mundane intentions, will be the leader. But if they differ, it is better that a jurisprudent be preferred, followed by one who has the best recitation, then the most eloquent, and then one who enjoys a preference in accordance with the *Shariah*.

1.9. PRESCRIBED PRAYER DURING TRAVEL

The schools concur that the shortening (*qasr*) of prayers during travel is limited to the obligatory four-cycle prayers. Hence noon, afternoon and night prescribed prayers will be performed in two cycles, like the morning prayer. The schools differ as to whether the prescribed prayer of the traveler (*salat al-musafir*) is obligatory during travel or if there is an option between it and complete prescribed prayer? The Hanafis and the Jafaris observe that it is obligatory and has to be performed. The other schools state that there is an option and a person may either perform it as if a traveler or complete.

1.9.1. CONDITIONS FOR THE PRESCRIBED PRAYER OF A TRAVELER

Shortened prescribed prayer of a traveler requires the following conditions:

1. There is consensus that traveling over a certain distance is a condition. The distance, in the opinion of the Hanafis, is twenty-four parasangs in the direction of journey; less than this is not permissible for the shortened form of the prescribed prayer. The Jafaris consider it to be eight parasangs in the direction of journey or to and from together.²⁵ The Hanbalis, Malikis and Shafiis regard it as sixteen parasangs, only in the direction of journey, though it does not matter if the distance traveled is less than this distance by two miles (eight miles, in the opinion of the Malikis). A parasang is equal to 5.04 km.²⁶ Hence the minimum distance to be traveled in the opinion of the Hanafis, the three other schools, and the Jafaris is 120.96 kms, 80.64 kms and 40.32 kms respectively.

2. The schools concur that the intention to travel the complete distance should be present at the start of the journey, and that the intention of a 'follower'—such as wife, servant, captive or soldier—is subject to the intention of the 'commander' whom he follows, provided that the one under com-

mand knows the intention of that commander or leader. In the event of ignorance he or she will perform the prescribed prayer complete.

3. Shortened prescribed prayer (*qasr*) is not valid in the opinion of the Shafi'i, Hanbali, Hanafi and Maliki schools except after leaving behind the buildings of a town. The Jafaris observe that leaving the constructed areas is not sufficient; rather, it is necessary that either the walls of the town should disappear from sight or its call to the prescribed prayer should not be heard. The limit they have set for the beginning of the journey is also the limit for terminating it. That is, if a person is returning back home, he or she is supposed to pray the shortened form of prescribed prayer until he or she sees the walls of his town or is able to hear its call to prescribed prayer.

4. The journey should be for a legitimate purpose. Hence if it is for an illegitimate purpose, such as a journey for the sake of committing theft, etc., he or she may not pray the shortened form of the prescribed prayer in the opinion of all the schools, except the Hanafis, who observe: he or she will pray the shortened form of the prescribed prayer in all journeys even if the journey is an illegitimate one; at the most he or she will be sinning by performing an unlawful act.

5. In the opinion of the Hanafi, Hanbali, Maliki and Shafii schools, the traveler may not pray in a congregation being led by a local leader or another traveler whose prescribed prayer is complete. If he or she does so, it is obligatory for him or her to perform the complete prescribed prayer. The Jafaris do not accept this condition and consider it valid for a person whose prescribed prayer is complete to pray behind a person praying the shortened prescribed prayer and vice versa, provided each performs his or her own duty. Therefore, if a traveler prays the noon, afternoon and night prescribed prayers behind a local resident, he or she will perform two cycles and *tashahhud* along with the leader and say the *taslim* individually, while the leader continues with his prescribed prayer until its end. And if a local person prays behind a traveler, he will perform two cycles in congregation and complete the remaining part of his prescribed prayer individually.

6. The intention of the shortened prescribed prayer is essential for the prescribed prayer being so performed. Hence if a person prays without making the intention of the shortened prescribed prayer, he or she will perform that prescribed prayer complete in the opinion of the Hanbalis and the Shafiis. The Malikis state that it is sufficient to make the intention of the shortened prescribed prayer in the first shortened prescribed prayer of

the journey, and it is not necessary to repeat it in every prescribed prayer.

The Hanafis and the Jafaris observe that the intention of performing the shortened prescribed prayer is not a condition for it becoming obligatory, so that if one does not make it, he or she will have to perform it complete, because the actual status of a duty is not altered by intentions. Moreover, such a person has intended the journey from the very beginning. However, the Jafaris say that if a traveler intends to stay at a particular place and later changes his or her mind, he or she will offer the shortened prescribed prayer as long as he or she has not performed any complete prescribed prayer. Hence if that person performs even one complete prescribed prayer and then changes his or her plan of staying there, he or she will continue to perform prescribed prayer completely.

7. The intention should not be to stay continuously at one place for: fifteen days in the opinion of the Hanafis, ten days in the opinion of the Jafaris, and four days in the opinion of the Malikis and the Shafiis, and a period during which more than twenty prescribed prayer become obligatory in the opinion of the Hanbalis. The Jafaris further add that if he or she is unable to decide for how long he or she will stay at a particular place, he or she will continue to perform the shortened prescribed prayer for thirty days, and after this period it will be obligatory for him or her to perform complete prescribed prayer even if it happens to be a single one.

8. The traveler's nature of work should not require continuous travel—that is, one who hires out his or her beasts of burden or a tradesman whose trade requires continuous traveling so that he or she is unable to stay at home for the stipulated period of days. This condition has been upheld only by the Hanbalis and the Jafaris.

9. The traveler should not be a nomad who has no fixed house and keeps moving from place to place. Only the Jafaris have expressly stated this condition.

10. The Hanafis, Hanbalis and Malikis observe that if a traveler changes his or her mind and intends to return to the place from where he or she began his or her journey, in the event of his or her not having traveled the distance required for performing the shortened prescribed prayer, that person's journey will be considered concluded and that person will perform his or her prescribed prayer complete. But if he or she has traveled the distance stipulated by the *Shariah*, he or she will pray the shortened prescribed prayer until returning back to his or her native place.

The Shafiis say that whenever a person decides to turn back in the

course of his or her journey, that person will perform his or her prescribed prayer complete.²⁷ This implies that he or she will start performing the prescribed prayer complete on his or her way back despite having traveled the stipulated distance, because the absence of the mention of any conditions proves inclusiveness and generality.

The Jafaris state that if one desists from his or her journey or becomes hesitant before covering the stipulated distance, it is obligatory for that person to offer the prescribed prayers completely. If the stipulated distance has been covered, that person will pray the shortened prescribed prayer. The continuous presence of the intent of journey is a condition as long as the stipulated distance has not been traveled, but after it has been covered, the subject is, of necessity, realized and its existence no longer depends upon intention.

1.9.2. CONDITIONS ENTAILING SHORTENED PRESCRIBED PRAYER ENTAIL THE BREAKING OF THE FAST

There is consensus among the schools that every condition that entails the shortened prescribed prayer is also a condition for the validity of breaking one's fast during a journey, although some schools have added other conditions for the validity of breaking the fast which will be mentioned in the chapter on fasting. The Jafaris add no further conditions. They observe that one who breaks the fast (consequent to traveling) will perform the prescribed prayer as shortened prescribed prayers, and he or she who performs the prescribed prayer as shortened prescribed prayer will break his or her fast.

1.10. SUCCESSIVE PERFORMANCE OF TWO PRESCRIBED PRAYERS

The Maliki, Shafii and Hanbali schools consider it permissible while traveling to perform noon and afternoon prescribed prayers, as well as evening and night prescribed prayers, successively by either advancing the performance of one of them or delaying the performance of the other. The Hanafi school observes that it is not valid to perform two prescribed prayers successively because of the excuse of being on a journey under any circumstance. The meaning of 'advancing' their successive performance is to perform the noon and afternoon prescribed prayers in the time meant for noon prescribed prayer, and by 'delaying' is meant their successive performance in the time specified for the afternoon prescribed prayer.

1.11. IGNORANCE AND FORGETFULNESS

The Jafaris observe that the prescribed prayer of one who intentionally performs complete prescribed prayer while traveling is invalid, and he or she is supposed to repeat it on time if its time has not elapsed, and as missed if it has lapsed. But if a person who is ignorant about the shortened prescribed prayer being obligatory does so, that person will not repeat the prescribed prayer, irrespective of whether its time has lapsed or not. If a person performs it complete out of forgetfulness and then remembers while its time has not lapsed, that person will repeat the prescribed prayer, and if he or she remembers it after its time has lapsed, he or she will not repeat it.

The Jafaris further state that if the time of a prescribed prayer sets in while a person is at home and capable of performing it and that person sets out on a journey before performing it, he or she will perform it in shortened form. But if the time of a prescribed prayer comes while a person is traveling and the traveler does not perform it until he or she has reached his or her native place or a place where he or she intends to remain for ten days, he or she will perform the prescribed prayer complete. Hence the criterion is the time when the prescribed prayer is performed and not the time when it becomes obligatory.

1.12. THE INVALIDATING CAUSES OF PRESCRIBED PRAYER

The following causes render prescribed prayer invalid (*mubtilat*):

1. Speech. Its minimum is anything composed of two letters, even if they are meaningless, and of a single letter if it makes sense (such as the word *qaf*, which is a verb in the imperative case of the root *waqa*). The prescribed prayer will not be invalidated by uttering a single letter which has no meaning and by an involuntary sound comprising many letters. The Hanafis and the Hanbalis do not differentiate between intentional speech and anything spoken by mistake in respect of its being a cause that invalidates prescribed prayer. The Jafaris, Shafiis and Malikis observe that prescribed prayer is not invalidated by anything spoken by mistake provided it is short and does not vitiate the form of the prescribed prayer.

The Jafaris and the Malikis are of the opinion that prescribed prayer is not invalidated by clearing the throat, irrespective of whether it is done due to necessity or not. The other schools consider it a cause that invalidates prescribed prayer if done needlessly but not otherwise, such as for clearing one's voice for better phonation or for signaling the leader to correct himself or herself.

The schools concur that it is valid to supplicate during prescribed prayer, seeking blessing and forgiveness from Allah except that the Hanafis and the Hanbalis restrict this supplication to what has been mentioned in the Quran and the *sunnah*, or that which is sought only from God, such as provision (*rizq*) and blessings (*barakah*).

To recite *tasbih* (*subhan Allah*) to indicate that one is performing prescribed prayer, or to guide the leader, or to correct his mistake, is not considered as a speech that invalidates prescribed prayer.

The Hanafi, Hanbali, Maliki and Shafii schools state that included in speech that invalidates prescribed prayer is the returning of *salam*. Hence if someone says *salam* to a person who is praying and he or she returns the *salam* verbally, the prescribed prayer becomes invalid. However, there is no harm if the salutations is returned by a gesture.

The Jafaris observe that it is obligatory for the person performing the prayer to return a salutation which contains the word '*salam*' with a similar salutation, though not any other salutation such as 'good morning', etc. They also specify that the form of the salutation being returned should be exactly like the initial salutation without any difference. Hence the reply of '*salam alaykum*' will be the same without *alif* and *lam*, and the reply of '*as-salam alaykum*' will be with the *alif* and *lam*.

2. Every action which destroys the form of the prescribed prayer invalidates it. The schools concur that the form is destroyed by any act which gives an onlooker the impression that the person performing that act is not praying.

3. There is a consensus regarding eating and drinking though they differ regarding the quantity that invalidates prescribed prayer. The Jafaris observe that eating and drinking invalidate prescribed prayer if they distort the form of prescribed prayer or violate any of its conditions, such as continuity, etc. The Hanafis observe that every form of eating and drinking invalidates prescribed prayer, irrespective of the quantity consumed, even if it is one sesame seed or a drop of water and regardless of whether it is done intentionally or otherwise. The Shafiis state that any food or drink which reaches the stomach of a *musalli*, irrespective of its being a small or a large quantity, invalidates prescribed prayer if the person performing the prescribed prayer does so intentionally and with the knowledge of its being forbidden. But if done out of ignorance or forgetfulness, a small quantity will not invalidate prescribed prayer, though a large quantity will. According to the Hanbalis, a large quantity will invalidate prescribed prayer,

whether consumed intentionally or by mistake, and a small quantity only if consumed intentionally, not otherwise.

4. The occurrence of any minor or major impurity which invalidates the prescribed shorter ablution or bath ablution, will also invalidate prescribed prayer in the opinion of all the schools except the Hanafis, who observe that it will invalidate prescribed prayer if it occurs before the last sitting by a duration equal to *tashahhud*, and if it occurs after it and before taslim, the prescribed prayer will not become invalid.

5. The schools concur that laughter invalidates prescribed prayer, though the Hanafis apply to it the same rule that they apply to *hadath*, as mentioned above.

* * *

Considering the importance of the causes that invalidate prescribed prayer and their number and diversity, and considering that each school has its own opinion, which at times concurs or differs with the opinions of other schools, it would be appropriate to give a summary of these causes in accordance with the opinion of each school separately.

The Shafiis observe that the causes invalidating prescribed prayer are: *hadath*, which necessitates the performance of the prescribed ablution or bath lustration (*ghusl*); speech; crying; groaning, in certain situations; inordinate movement(s); a doubt concerning intention; indecision concerning discontinuing the prescribed prayer while continuing to perform it; shifting one's intention from one prescribed prayer to another, except where it is an obligatory prescribed prayer, for it is valid to change one's intention to that of a supererogatory prescribed prayer in order to perform the obligatory prescribed prayer with congregation; exposure of one's private parts when one is capable of covering them; nakedness, as soon as a covering becoming available; the presence of prescribed impurity to an inexcusable extent, when one does not speedily remove it from oneself; the repetition of *takbirat al-ihram*; intentional omission of a pillar of the prescribed prayers; praying in congregation behind a leader who is not fit for leadership due to his disbelief, etc.; performing an additional pillar intentionally; the reaching of any food or drink to the stomach; turning away with the chest from the qiblah; and wrongly performing a pillar involving a movement out of sequence.

The Malikis say that prescribed prayer is invalidated by omitting a pillar, intentionally or by mistake, if the person performing the prescribed prayer, thinking that his prescribed prayer is correct, does not remember

having omitted it until after *taslim* and the passage of an inordinate duration; intentionally performing an additional pillar, such as bending forward or prostration; performing *tashahhud* out of place while sitting; laughter, both intentional and otherwise; eating and drinking intentionally; speaking intentionally and not for correcting the leader; vomiting, if intentional; puffing intentionally with the mouth; occurrence of anything that invalidates the ablution; exposure of the private parts or any part of them; impurity falling on the person performing the prescribed prayer (*musalli*); inordinate movement; performing four additional cycles in a four-cycle prescribed prayer knowingly or by mistake; doing prostration before *taslim*; inadvertent omission of three *masnun* acts from among the *sunan* of prescribed prayer and then failing to perform *sujud al-sahw*.

The Hanbalis state that the causes that invalidate prescribed prayer are: any inordinate movement; the presence of impurity to an inexcusable extent; turning one's back to the *qiblah*; incidence of any impurity (*hadath*) invalidating the ablution; intentional exposure of the private parts; reclining heavily on a support without any excuse; returning to perform the first *tashahhud* after starting the recitation, provided the person performing the prescribed prayer is aware and conscious of it; performing an additional pillar intentionally; intentionally changing the sequence of the pillars; mispronunciation that results in a change of meaning despite being capable of proper pronunciation; intending to disrupt the prescribed prayer or indecision regarding it; a doubt regarding *takbirat al-ihram*; laughter, speech, both intentional or otherwise; saying *taslim* intentionally before the leader; eating and drinking, even if due to forgetfulness or ignorance; needlessly clearing the throat; any puffing that may be construed as phonation of two letters; and weeping if not out of the fear of God.

According to the Hanafis, the causes that invalidate prescribed prayer are: speech, whether intentional, by mistake, or due to ignorance; any supplication not out of the Quran or *sunnah*; any inordinate movement; turning the chest away from the *qiblah*; eating and drinking; clearing the throat without reason; saying "uff" (i.e. 'fie' or 'ugh'; an expression of anger or displeasure); groaning; saying 'Ah! (*taawuuuh*); weeping loudly; saying "*al-hamdullah*" on sneezing; saying "*Inna lillah...*" on hearing some bad news and "*al-hamdullah*" on hearing some pleasing news; saying "*subhan Allah*" or "*la ilaha illa lah*" as an expression of surprise; availability of water for one praying with dry ablution; the rising of the sun for one offering the morning prayer or its crossing the meridian for one performing *salat al-id*;

the falling off of a bandage from one who attains recovery; willful occurrence of *hadath*, but if the *hadath* is involuntary it will not invalidate the prescribed prayer, though one will have to perform the ablution again and recommence the prescribed prayer from where he had left it.²⁸

The Jafaris observe that the causes that render prescribed prayer invalid are: ostentation (*riya*); uncertainty in intention; performing any act of prescribed prayer while having made up one's mind to discontinue it; changing one's intent from a preceding prescribed prayer to a subsequent prescribed prayer, such as from noon to afternoon prescribed prayer.

However, the transition from afternoon to noon prescribed prayer is permissible; hence if a person makes the intention of performing afternoon prescribed prayer with the idea that he or she has performed the noon prescribed prayer and remembers during it that he or she has not performed the noon prescribed prayer, it is valid for that person to shift the intention to offering the noon prescribed prayer. Similarly, it is permissible to shift from the intention of congregation to intention of performing it individually; but the opposite is not valid.

It is valid, however, for a person performing an obligatory prescribed prayer individually to change his or her intention to that of a supererogatory prescribed prayer in order to perform the obligatory prescribed prayer with congregation. Prescribed prayer is also invalidated by an additional *takbirat al-ihram*. Hence if one says *takbirah* for a prescribed prayer and then repeats it, the prescribed prayer becomes invalid and a third *takbirah* will be necessary. Again if he says *takbirah* for the fourth time, the prescribed prayer will become invalid and a fifth *takbirah* will be necessary; thus every even *takbirah* results in the prescribed prayer becoming invalid due to the addition of a pillar, and becomes valid again by every odd *takbirah*. Among the causes that invalidate prescribed prayer is the incidence of *najasa* to an extent not excusable, when the person performing the prescribed prayer is unable to remove it without any inordinate movement that may vitiate the form of the prescribed prayer. The availability of water during prescribed prayer for a person praying with dry ablution invalidates both the dry ablution and the prescribed prayer, provided it becomes available before performing the bending forward of the first cycle; if later, he or she will complete the prescribed prayer which will be valid. A prescribed prayer will also be invalidated by: the absence of certain conditions, such as the covering and the lawfulness of a particular location; the occurrence of a *hadath*; intentional deviation with the whole body from the *qiblah* either to

the right or the left or any other direction in between; speaking voluntarily and weeping on account of one's worldly woes; laughter; any act that destroys the form of prescribed prayer; eating and drinking; the intentional addition or omission of a part; and the omission, intentional or otherwise, of a pillar from among the five pillars. The five pillars are: intention, *takbirat al-ihram*, standing (*qiyam*), bending forward and the two prostrations for every cycle.

1.13. CROSSING OVER IN FRONT OF THE PERSON PERFORMING THE PRESCRIBED PRAYER

The schools concur that someone's passing in front of a person performing the prescribed prayer does not invalidate the prescribed prayer, but they differ regarding its impermissibility.

The Jafaris state that it is neither impermissible for a person to pass in front of a person performing the prescribed prayer (*musalli*) nor for the latter to pray in such a place. But it is recommended for the person performing the prescribed prayer to place before him or her an 'obstruction' if there is no barrier before him or her to prevent anyone passing by. The 'obstruction' can be a stick, a rope, a pile of earth, etc. which the person performing the prescribed prayer may place before him or her as a mark of veneration for prescribed prayer, which signifies detachment from the creation and attention towards the Creator.

The Malikis, Hanafis and Hanbalis observe that it is unlawful to cross over in front of a person performing the prescribed prayer in any circumstance, irrespective of whether he has placed an obstruction or not. Rather, the Hanafis and the Malikis add that it is unlawful for the person performing the prescribed prayer to create interference for passers by if he or she can keep out of their way. According to the Shafiis, it is forbidden to cross over in front of the person performing the prescribed prayer if he or she has not placed an obstruction, and if he or she has done so, it is neither forbidden nor disapproved.

ENDNOTES

PART I: INDIVIDUAL ISSUES

I PRESCRIBED PRAYER

1 Shaykh al-Kabir, *Kashf al-ghita*, 1317 edition p. 79.

2 The Hanafis use two terms, '*fard*' and '*wajib*', for something whose performance is prescribed and whose omission is impermissible. Hence they divide obligation into two kinds: *fard* and *wajib*. '*Fard*' (strongly recommended practice) is a duty for which there is definite proof, such as Quranic text (*mutawatir sunnah*), and consensus (*ijma*). '*Wajib*' is a duty for which there is a non-definite (*zanni*) proof, such as analogy (*qiyas*) and isolated Tradition (*khavar al-wahid*). That whose performance is preferable to its omission is also of two kinds '*masnun*' and '*mandub*'. '*Masnun*' is an act which the Prophet and the rightly-guided caliphs performed regularly, and '*mandub*' is an act ordered by the Prophet though not performed regularly by him. That which is obligatory (*wajib*) to avoid and whose performance is not permissible is '*muharram*' if it is established by a definite proof. If based on a *zanni* proof, it is '*makruh*', whose performance is disapproved.

3 According to the Hanafis, the *watr* prayer (*salat al-watr*) consists of three cycles (*rakah*) with a single salutation (*salam*). Its time extends from the disappearance of twilight after sunset to dawn. The Hanbalis and Shafiis say that at minimum it is one cycle and at maximum eleven cycles, and its time is after the night (*isha*) prayer. The Malikis observe that it has only one cycle.

4 There are among jurists of the Hanafi, Hanbali, Maliki and Shafii school those who agree with the Jafaris on performing the two prescribed prayers together even when one is not traveling. Shaykh Ahmad al-Siddiq al-Ghumari has written a book on this topic, *Izalat al-khatar ammanjamaa bayn al-sala-tayn fi al-hadar*.

5 There is no difference regarding the definition of sunset between the Jafaris and the Hanafi, Hanbali, Maliki and Shafii schools. But the Jafaris say that the setting of the sun is not ascertained simply by the vanishing of the sun from sight, but on the vanishing of the reddish afterglow from the eastern horizon, for the East overlooks the

West and the eastern afterglow, which is a reflection of sun's light, pales away as the sun recedes. That which is rumored regarding Jafaris that they do not break their fast during Ramadan until the stars become visible, has

no basis. In fact they denounce this opinion in their books on jurisprudence with the argument that the stars may be visible before sunset, at the time of sunset or after it, and declare that "one who delays the evening (*maghrib*) prayer until the stars appear is an accursed person (*malun ibn malun*).⁹ They have said this in condemnation of the Khattabiyyah, the followers of Abu al-Khattab, who held this belief. They are now one of the extinct groups. Jafar Sadiq was told that the people of Iraq delay the evening prayer until the stars become visible. He answered, "That is on account of Abu al-Khattab, enemy of Allah."¹⁰

6 The command to face Masjid al-Haram has come in 2:144 "... turn thy face to the direction of the Masjid al-Haram" and the leave to turn in any direction in verse 2:115 "And to God belongs the East and the West. So wherever you turn to, then, again, there is the Countenance of God." Some scholars have held that the former verse abrogates the latter. Others disagree and point out that there is no abrogation involved here, nor is it a case of one being particular and the other general. The way to reconcile the two verses, they point out, is that the former verse applies to those who know the direction of the *qiblah* and commands them to turn towards it. The latter verse specifically applies to one who is at a loss regarding its direction and orders him to perform prescribed prayer in any direction he wants. This opinion seems to be more credible.

7 Ibn Abi Layla holds an uncommon opinion that prohibits one from baring oneself even for the bath for the reason that water is inhabited by living beings. *al-Majmu shahr al-muhadhdhab*, ii, 197.

8 24:31 mentions those before whom women can expose their adornment and among them are Muslim women. Thus the verse prohibits a Muslim woman from exposing herself before a non-Muslim woman. The Shafiis Malikis and Hanafis construe this prohibition as implying *tahrim*.

Most Jafaris and the Hanbalis say that there is no difference between Muslim and non-Muslim women. But according to the Jafaris it is disapproved for a Muslim woman to expose herself before a non-Muslim woman, because she may describe what she observes to her husband.

9 *al-Fiqh alal-madhabib al-arbaah*, vol. 1, *mabhath satr al-arwah*.

10 Shaykh Jafar, *Kasf al-ghita*.

11 Ibn Abidin, *Hashiyah*, vol. 1, p. 284.

12 Allamah al-Hilli, *al-Tadhkirah*, vol. 2., beginning of *bob al-zawaj*.

13 *al-Jawahir* at the beginning of *bab al-zawaj*.

14 al-Nawawi, *Shark al-muhadhdhab*, iii, 179.

15 The Jafaris observe that it is recommended for a woman to recite the call to the prescribed prayer for her prescribed prayer, though not as a call to prayer. Similarly, it is recommended for women while holding their own congregation that one of them recite the call to prescribed prayer and the declaration to perform the prescribed prayer in a manner that men do not hear it. The Hanafi, Hanbali, Maliki and Shafii schools consider the declaration to perform the prescribed prayer as recommended and the call to prescribed prayer as disapproved for women. ,

16 Ibn Rushd, *Bidayat al-mujtahid*; 1935 edition, vol. 1, p. 103, says, "Others have said, The phrase "*al-salatu khayrun min al-nawm*" should not be recited because it is not a *masnun* part of the call to prescribed prayer,' and this is the opinion of al-Shafii. The cause for the disagreement is the question whether it was said (as part of the call to prescribed prayer during the time of the Prophet or during that of Umar. It is stated in Ibn Qudamah's *al-Mughni* (3rd edition) vol. 1, p. 108, "*Ishaq* has said that this thing has been innovated by the people and Abu Isa has said, This *tathwib* is something that the learned (*ahl al-ilm*) have regarded with distaste. It is that on hearing which Ibn Umar left the mosque."

17 *Bidayat al-mujtahid*, vol. 1, p. 122 and al-Shirani, *Mizan*, *bab si fat al-salat*.

18 al-Nawawi, *Shark al-muhadhdhab*, vol. 3, p. 361.

19 *Bidayat al-mujtahid*, vol. 1, p. 125.

20 *Bidayat al-mujtahid*, vol. 1, p. 126.

21 *Majma al-anhur*, vol. 1, *bab sujud al-sahw*.

22 Shahid al-Thani, *Lumah*, vol. 1, *bab al-salat*, *fast* 6, observes, "The obligatory acts of *salat al-jumuah* during the absence of the Mahdi is obvious in the opinion of most religious scholars... and if there had been no claim of *ijma* regarding its not being obligatory, the opinion that it is obligatory *ayni* would have been extremely strong. Therefore, the least that can be said is that there is an option between it (*salat al-jumuah*) and the noon prescribed prayer with the Friday prescribed prayer enjoying preference."

23 According to the Hanafi, Hanbali, Maliki and Shafii schools, the *dua al-iftilah* or *dua al-istiftah* is *subanaka allahum wa bihamdik wa tabarak ismaka wa tala jaddaka wala ilaha ghayrika*.

24 al-Nawawi, *Shark al-muhadhdhab*, vol. 3, p. 365.

25 Provided he returns within one day and one night, because in this case the journey has taken up all his day. Some others among them say, that one should perform the shortened prescribed prayer if he or she intends

to return within ten days.

26 *al-Fiqh alal-madhahib al-arbaah*, vol. 4, *mabath shurut al-qasr*.

27 al-Ghazzali, *al-Wajiz*, *salat al-musafirin*.

28 This is a summary from *al-Fiqh alal-madhahib al-arbaah*.

GLOSSARY

A

- abbadtu (abbadtu)*: "I have perpetually settled..."
- ada (add)*: prescribed prayers performed on time
- adha (adha)*: hurting someone
- adhan (adhan)*: call to prescribed prayer
- adil (adil)*: just
- afal or amal (af'al or 'amal)*: obligatory acts
- afal, al- (al-afal)*: fleshy obstruction in the vaginal passage
- ahd ('ahd)*: pledge
- ahkam al-wadiyyah (ahkam al-waḍ'īyyah)*: laws of obligation
- ahl al-kitab (ahl al-kitab)*: People of the Book i
- ahl al-qiblah (ahl al-qiblah)*: those who pray facing towards the *qiblah*
- ajir (ajir)*: hired *amal* ('amal): obligatory act
- amid ('amid)*: wilful defrauder
- amm ('amm)*: general
- anan, al- (al-'anan)*: impotence
- ankahtu (ankahtu)*: "I gave in marriage..."
- aqd al-mutlaq ('aqd al-mutlaq)*: conditional contract containing neither positive nor negative conditions
- aqilah, al- (al-'aqilah)*: paternal relatives
- aql ('aql)*: sanity
- arkan (arkan)*: pillars
- arkan wafaraid (arkan fara'id)*: essentials of the prescribed prayer
- Arnah ('Arnah)*: one of the boundary points of Arafat
- asabah bi nafsiha ('asabah bi nafsiha)*: residuary by himself
- asabah maa ghayriha ('asabah ma'a ghayriha)*: residuary along with another
- asabat, al- (al-'asabat)*: residuaries
- ashwat (ashwat)*: walking between Safa and Marwah
- asr ('asr)*: afternoon prescribed prayer
- awl ('awl)*: shares exceed the estate
- awlad (awlad)*: children
- awlad al-awlad (awlad al-awlad)* children's children
- awqaf (awqaf)*: endowment
- awrah ('awrah)*: private parts of the body
- aydi (aydi)*: hands

- ayni* (ʿayni): obligatory individually
ayyam al-bid (*ayyam al-bid*): moonlit days or the 13th, 14th and 15th of each lunar month.
ayyam al-tashriq (*ayyam al-tashriq*): 11th, 12th, 13th of Dhil Hajjah
azaim al-arbaah, *al-* (*al-ʿazaʿim al-arbaʿah*): four chapters of the Quran which contain verses that require a prostration when recited.

B

- badhl*, *al-*: (*al-badhl*): bequest
baghi (*baghi*): rebel
baladi (*baladi*): person who starts on the longer pilgrimage from the town of the deceased
baligh al-aqil (*baligh al-ʿaql*): sane adult
basmillah (*basmillah*): “In the Name of God, the Merciful, the Compassionate”
batil (*batil*): invalid, void
bulugh (*bulugh*): puberty, maturity

D

- daif* (*daʿif*): weak
darar (*darar*): harm
Dhat al-Irq (Dhat al-ʿIrq): a station on the way to Makkah where the pilgrim assumes the sacred state (*ihram*)
dhawi al-qubra (*dhawqī al-qubra*): those who have descended from Hashim through their fathers irrespective of whether they are rich or poor.
dhawu al-furud (*dhawu al-furud*): sharers in inheritance
dhibh (*dhibh*): sacrifice Dhu al-Hulayfah (Dhu al-Hulayfah): a station on the way to Makkah where the pilgrim assumes the sacred state (*ihram*), specifically here, Masjid al-Shajarah
Dhu al-Majaz (Dhu al-Majaz): one of the boundaries of Arafat
diyyah (*diyyah*): compensation
dua (*duʿa*): prayer, supplication
dual-mathur, *al-* (*al-duʿa al-maʿthur*): prayer recommended by Tradition

F

- fajir* (*fajir*): libertine

fajr (fajr): dawn prescribed prayer

fajr al-sadiq, al- (al-fajr al-sadiq): daybreak

fakk al-milk (fakk al-milk): release from ownership

faqir (faqir): someone who owns less than the minimum even if he is physically fit and earning

faraid (fara'id): prescribed daily prayers

faraid al-wudu (fara'id al-wudu'): essentials of shorter ablution

fard (fard): obligatory duty, obligatory prescribed prayer

fasiq (fasiq): transgressor

fawr, al- (al-fawr): dispatch without delay

fidyah (fidyah): substitute

fiqh (fiqh): jurisprudence

furud (furud): duties

G

Ghamrah, al- (Ghamrah, al-): a station on the way to Makkah where the pilgrim assumes the sacred state (*ihram*)

ghanimah (ghanimah): spoils of war acquired by Muslims

gharimum, al- (al-gharimun): debtors who have fallen into debt for some non-sinful cause

ghayr al-makul wal malbus (ghayr al-ma'kul wa'l-malbus): made of something which is neither edible nor wearable

ghayr maghsab (ghayr maghsab): legitimately owned

ghayr mukallaf (ghayr mukallaf): free of obligation

ghayr mumayyiz (ghayr mumayyiz): under age of discretion

ghusalah (ghusalah): used water when it flows out freely

ghusl (ghusl): bath lustration

ghusl al-hayd (ghusl al-hayd): bath lustration following menstruation

ghusl al-janabah (ghusl al-janabah): bath lustration following sexual emission

ghusl al-mustahadah (ghusl al-mustahadah): bath lustration with intermittent discharge of blood

ghusl al-tawbah (ghusl al-tawbah): bath lustration with the intention of repentance

H

habastu (habastu): "I have detained..."

habs (habs): detention

hadath (hadath): state of minor impurity, prohibited from performing the prescribed prayer

hadd (hadd): punishment

hady (hady): sacrificial animal for offering during the prescribed pilgrimage

haid (ha'id): menstruating woman

hajar al-aswad (hajar al-aswad): the Black Stone

hajj (hajj): the prescribed pilgrimage

hajj al-ifrad (hajj al-ifrad): the prescribed pilgrimage for those who live in Makkah with no sacrifice obligatory

hajj al-mustahabb (hajj al-mustahabb): recommended pilgrimage

hajj al-qiran (hajj al-qiran): the prescribed pilgrimage for those who live in Makkah except to the Hanafi school which disapproves of this type of prescribed pilgrimage for people of Makkah. The sacrifice is obligatory according to the Hanafi, Hanbali, Shafii and Maliki schools. For the Jafari the sacrifice is only obligatory if they bring their animal with them at the time of assuming the sacred state.

hajj al-tamattu' (hajj al-tamattu'): the prescribed pilgrimage of those who live outside of Makkah

hajr (hajr): legal disability

hakim (hakim): judge

hakim al-shar (hakim al-shar): judge

halif (halif): one who swears an oath

halq (halq): complete shaving of the head

hamd (hamd): to praise God

Hanifi (Hanifi): Named after Imam Abu Hanafi (699-767 CE), theologian, jurist and traditionist, founder of one of the four major schools of Sunni Law, the Hanifi.

hanak, al-: (al-hanak): where the end of the turban hangs down over the chest

Hanbali (Hanbali): Named after Imam Ahmad Hanbal (241-855 CE), theologian, jurist and traditionist, founder of one of the four major schools of Sunni law. His most notable disciple was Ibn Taymiyya whose thoughts formed the basis for Wahhabism, the Hanbali school.

haqq al-khayar (haqq al-khayar): option in a contract of sale

haqq al-nas (haqq al-nas): creditors

haqq Allah (haqq Allah): religious duties

haraj (haraj): distress

haram (haram): sacred area roughly within a radius of six miles with the Kabah at the center

harbi (harbi): one who takes up arms against Muslims

harwalah (harwalah): running

hayd (hayd): state of menstruation

hibah, al- (al-hibah): marriage with the condition that the amount payable as dower is also mentioned

hijamah (hijamah): cupping

hijjat al-Islam (hijjat al-Islam): prescribed pilgrimage

hill al-awwal, al- (al-hill al-awwal): first relief from the restrictions of the sacred state

hill al-thani, al- (al-hill al-thani): second relief from the restrictions of the sacred state

Hiyad, al- (al-Hiyad): boundary of Mudalifah towards the valley of Muhassir

hiyazah, al- (al-hiyazah): acquisition

hujb (hujb): exclusion

hujb al-hirman (hujb al-hirman): exclusion from the actual inheritance itself

hujb al-nuqsan (hujb al-nuqsan): prevention from a part of the inheritance

hujjaj (hujjaj): pilgrims

hunut (hunut): seven parts of the dead body to be rubbed with camphor, namely the forehead, the two palms, the knees and heads of the big toes of the feet

I

iarah, al- (al-i'arah): lending

ibadah (ibadah): worship, Islamic duties

ibn al-sabil (ibn al-sabil): traveler cut off from his or her hometown and means

id (id): festival

id al-adha (id al-adha): 10th of Dhil Hijjah

id al-fitr (id al-fitr): end of the month of Ramadan

Idah (Idah): southern boundary of the sacred area of Makkah, 12 kms from Makkah

idayn (idayn): two festivals

idtiba (idtiba): wearing the *rida* whose hanging sides are drawn under the right armpit and then thrown over the left shoulder

idtirari (idtirari): beyond one's control

iflas (iflas): insolvency

ifda, al-: (*al-ifda'*): merger of anal and vaginal passages

iftar (iftar): breaking the prescribed fast at sunset

ihram (ihram): sacred dress, pilgrim sanctity

ihsar (ihsar): some hindrance which keeps one from completing the rites of the prescribed pilgrimage

ihtidar (ihtidar): dying person made to face the *qiblah*

ihtiyat (ihtiyat): caution

ijarah, al- (*al-ijarah*): hiring

ijma (ijma^c): consensus

ijma al-mahki (ijma^c al-mahki): narrated consensus

ijtihad (ijtihad): strenuous endeavor to reason

ikhtiyari (ikhtiyari): choice

ila, al-: (*al-ila'*): oath to refrain from sex with one's wife

imam (imam): leader *imsak (imsdk)*: refrain

iqamah (iqamah): declaration to perform the prescribed prayer

Ir (°Ir): hill near the place of the appointed time outside Madinah

irtimas (irtimas): bath ablution of immersion in water

isha (°isha'): night prescribed prayer

isra, al- (*al-°isra'*): nocturnal journey

istibahat al-salat (istibahat al-salat): permissibility of the prescribed prayer

istighfar (istighfar): seek God's forgiveness

istihbaban (istihbaba): preferably

istihadah (istihadah): intermittent bleeding

istihalah (istihalah): alteration

istilam (istilam): greeting the Black Stone by drawing one's hands over it

istimna, al- (*al-istimna'*): masturbation

istinabah (istinabah) deputation

istirahah (istirahah): rest

istisqa (istisqa'): prayer for rain

istitaah (istita^cah): ability

itikaf (i°tikaf): retreating to a mosque in the last ten days of Ramadan

itlaq (itlaq): generality, absoluteness

izar (izar): loin cloth covering for the whole body

J

jabb, al- (al-jabb): state of mutilation of the male organ

Jafari (Ja'fari): Named after Imam Abu Abd Allah Jafar ibn Muhammad (700-765 CE), religious scholar and the last imam recognized by both Twelver and Ismaili Smities, he is the founder of the major Shiite school of law, the Jafari. He was the teacher of Imam Abu Hanafi

jahil (jahil): one who is ignorant

Jam (Jam^c): another name for Mudalifah

jamaah (jamaah): congregation

jamarat al-aqabah (Jamarat al-^caqabah): first idol which is stoned in Mina and the idol nearest Mudalifah

jamarat al-ula (jamarat al-^cula): farthest stone or idol from Makkah and near Masjid al-Khayf

jamarat al-wusta (jamarat al-^cwusta): middle stone idol

janabah (janabah): state of major impurity following sexual emission

Jaranah, al- (al-Jaranah): eastern boundary of the sacred area of Makkah, 16 kms from Makkah

jayb, al- plural-juyab, al-: (al-jayb, phural-al-juyab): veil which covers the chest

jilbab, al- plural-jalabib, al- (al-jilbab, plural-al-jalabib): garment or shirt

jiryah (jiryah): flowing portion of water

Juhfah, al- (al-Juhfah): a station on the way to Makkah where the pilgrim assumes the sacred state (*ihram*)

jumhur (jumhur): majority

junub (junub): person in state of impurity following sexual emission

junun, al- (al-junun): insanity

K

kafaah, al- (al-kafa'ah): equality

kaffan (kaffan): hands j

kaffarah (kaffarah): atonement

kafir (kafir): ungrateful, unbeliever, disbeliever, one who covers over the Truth

karahah (karahah): sin, disapproval

kathir (kathir): large quantity

kathir al-shakk (kathir al-skakk): chronically uncertain person

khavar al-wahid (Jkhabar al-wahid): isolated Tradition

khavath (khavath): physical impurities like blood and excrement

khass (khass): particular Tradition

khayar al-shari (khayar al-shart): option to annul marriage not mentioned as a condition per se

khilaf al-awla (khilaf al-awla): against preference

khilaf al-ihtiyat (khilaf al-ihtiyat): against precaution

khimar, al-, plural,

khumur, al- (*al-khimar*, plural, *al-khumur*): veil covering the head, not the face

khisa, al- (*al-khisa'*): castration

khuffan (khuffan): shoes

khul, al- (*al-khul'*): divorce for consideration initiated by a wife

khums (khums): twenty percent tax

kifai (kifa'i): obligatory collectively

kohl (kohl): collirium

kubra (kubra): major flow of intermittent bleeding

kufr (kufr): infidelity to the One God

kurr (kurr), 1200 Iraqi ritl. A ritl is approximately 330 grams water, large amount

L

laqit (laqit): abandoned child

layali al-tashriq (layali al-tashriq): nights of 11th, 12th, 13th of Dhil Hijjah

lian (li'an): oath of condemnation

M

ma (ma'): water

mal-kathir (ma' al-kathir): large quantity of water

mal-mudaf' (ma' al-mudaf): mixed water

mal-mustamal (ma' al-mustamal): water rung out

mal-mutlaq (ma' al-mutlaq): pure water

mal-qalil (ma' al-qalil): small quantity of water

madhy (madhy): thin genital discharge emitted while caressing

maful (maf'ul): object

maghrib (maghrib): evening prescribed prayer

maghsab (maghsab): consuming anything usurped

mahr al-mithal (mahr al-mithal): proper dowry

mahr al-musamma (mahr al-musamma): dowry specified in the marriage contract

mahr al-sunnah (mahr al-sunnah): dowry which is traditional

mahram (mahram): person to whom marriage is prohibited because of lineage

mahsub (mahsub): eating something usurped while performing the prescribed fast

majhul al-malik (majhul al-malik): owners of properties not known

makruh (makruh): disapproved. According to the Hanafi school, it is an act which is prescribed to be avoided based on non-definite proof. Maliki: Named after the founder, Imam Abu Abd Allah Malik ibn Anas (716-795 CE), of one of the four major Sunni schools of law, the Maliki.

ma mutlaq (ma' mutlaq): water, plain, unaltered

mandub (mandub): an act ordered by the Prophet (ﷺ) although not regularly performed by him

marad al-mawt (marad al-mawt): final illness resulting in death

mashaqqah (mashaqqah): difficulty

Mashar al-Haram (Mash'ar al-Haram): another name for Mudalifah

mashhur (mashhur): preponderant opinion

Maslakh, al- (al-Maslakh): a station on the way to Makkah where the pilgrim assumes the sacred state (*ihram*)

masnun (masnun): part of the *Sunnah*. An act which the Prophet and the rightly-guided caliphs performed regularly

masnunah (masnunah): supererogatory prayers

mass al-mayyit (mass al-mayyit): touching a corpse requiring bath lustration

mawaqit (mawaqit): places outside Makkah from where the pilgrims intending the minor or prescribed pilgrimage assume the sacred dress

mawqif (mawqif): permissible place of halting at Arafat

mawqufalayh, al- (al-mawquf'alayh): beneficiary

mawt (mawt): death

Mazamayn, al- (al-Ma'zamayn): boundary of Mudalifah

miftirat (miftirat): things obligatory to refrain from during the fast from dawn to sunset

milayn (mllayn): distance referred to by the Hanifi and Maliki schools which is to be covered running between Safa and Marwah

miqat (miqat): place of the appointed time where the pilgrim assumes the sacred state

miqat, plural, *mawaqit (miqat, plural, mawaqit)*: refers to a number of stations where the pilgrim assumes the sacred state

miqati (miqati): person who starts on the longer pilgrimage from one of the places of the appointed time

miskin (miskin): a destitute person

mizar (mi'zar): loin-cloth

muakkadah (mu'akkadah): *Sunnah* which is emphatically recommended

muallafatu qulubuhum, al- (mu'allafatu qulubuhum): those whose hearts are to be conciliated

muatat, al- (al-mu'atat): creation of endowment without the declaration

mubtilat (mubtilat): causes rendering the prescribed prayer invalid

mudaf (mudaf): mixed water

mudd (mudd): one mudd is a measure of 800 grams used to feed a needy person in charity

muddat al-haml (muddat al-haml): gestation period

mudtarr (mudtarr): constrained person

muftis (muftis): someone who neither has a job nor money to meet his or her needs

mufti (mufti): jurist

muftir (muftir): an act which breaks the prescribed fast

mudhdhin (mu'dhdhin): caller to prescribed prayer

muhallil (muhallil): a new husband before a wife can remarry her previous husband who gave her a final divorce

muharram (muharram): an act which is prescribed to avoid and whose performance is not permissible according to the Hanafi school; prohibited

mukallaf (mukallaf): sane adult

mukhtar (mukhtar): unconstrained person

mumayyiz (mumayyiz): age of discretion

munjazat (munjazat): dispositions

muqirr (muqirr): one who makes a confession

murtadd anfitrah (murtadd 'anfitrah): born Muslim who apostasizes

murtadd anmillah (murtadd 'anmillah): one born to parents who are

ungrateful, disbelieve, who becomes Muslim and then apostasizes

musa bihi (musa bihi): bequeathed property

musa lahu (musa lahu): legatee

musabanah, al- (al-musabanah): affinity

musalli (musalli): person performing the prescribed prayer

musha (musha'): inseparate share of property

mushrikun (mushrikun): polytheists

musi (musi): one who makes a will, testator

mustahabb (mustahabb): recommended

mustahabb salat (mustahabb salat): recommended prescribed prayers

mustahadah (mustahadah): a woman in the state of pseudo menstruation

mustajir (musta'jir): hirer

mustamal (must'amal): used water when the water is rung out

mustati (mustati'): pilgrim of the prescribed pilgrimage

mutahhir (mutahhir): purifier

mutamatti((mutamatti') pilgrim on the prescribed pilgrimage

mutamir (mu'tamir): pilgrim performing the minor pilgrimage in conjunction with the prescribed pilgrimage

mutarr (mu'tarr): one who comes to a person for charity

mutawwali (mutawwali): trustee

mutlaq (mutlaq): pure water

mutlaq al-aqd (mutlaq al-'aqd): on conditions stipulated

muwalat (muwalat): continuity

N

nabidh al-tamr (nabidh al-tamr): date wine

nadhir (nadhir): one who makes a vow

nadhr (nadhr): vow

nafaqah (nafaqah): alimony

nafilah (nafilah): supererogatory prayers

nafl (nafl): supererogatory

naib (na'ib): deputy

najasah (najasah): impurity

najis (najis): impure

nalan (na'lan): sandals

nasab (nasab): consanguinity

nashizah, al- (al-nashizah): disobedient wife

nasi (nasi): one who forgets
nawafil (nawafil): supererogatory prayer
nifas (nifas): bleeding following childbirth
nikah, al- (al-nikah): marriage
Nimrah (Nimrah): one of the boundaries of Arafat
nisab (nisab): minimum
niyyah (niyyah): declaration of intention
niyyat al-iqtida (niyyat al-iqtida): intention of following the leader
niyyat al-qurbah (niyyat al-qurbah): intention to seek God's good pleasure

Q

qabiltu (qabilut): "I have accepted..."
qada (qada): missed prescribed prayer or fast
qadi (qadi): judge
qadir al-ajiz (qadir al-ajiz): physically incapacitated
qalil (qalil): small quantity water
qamis (qamis): covering for the body from the shoulders to the shanks
qani (qani): poor person who is content with what you give him and does not show his or her displeasure
qarabah, al- (al-qarabah): blood relationship
Qam al-Manazil (Qarn al-Manazil): a station on the way to Makkah where the pilgrim assumes the sacred state (*ihram*)
qarn, al- (al-qarn): presence of a horn-like protrusion
qasr (qasr): shortening of prescribed prayer
qatl al-khata (qatl al-khata): unintentional homicide
qatl al-tasbib (qatl al-tasbib): accused or indirect cause of homicide
qiblah (qiblah): orientation towards the Kabah for prescribed prayer
qiraah (qira'ah): recitation while standing in the prescribed prayer
qisas (qisas): right of retribution
qiyam (qiyam): standing upright in the prescribed prayer
qiyas (qiyas): analogy
qullah (qullah): bucket of water
qunut (qunut): raising the hands, palms up, during the prescribed prayer and offering a supplication
qurbah (qurbah): nearness
qurbatan ill-Allah (qurbatan ill-Allah): nearness of God

R

radd, al- (al-radd): the return

rada (radaʿ): act of nursing a foster child

radi (radiʿ): the woman who nurses a foster child

raditu (raditu): "I have agreed..."

rahilah, al- (al-rahilah): expenses of the journey to Makkah and back

rakah (rakʿah): cycle of prescribed prayer

ramal (ramal): running

ramy al-jamarat (ramy al-jamarat): prescribed throwing of stones at the idols while on the prescribed pilgrimage

ratq, al- (al-ratq): presence of obstruction in the vaginal opening making intercourse difficult

rawatib (rawatib): supererogatory prayers

rida (ridaʿ): cloak

riqab, al- (al-riqab): freeing of slaves with poor-due money

ritl (ritl): approximately 330 grams

rizq (rizq): provision *rukʿn*

rukʿn (rukʿn): pillar

ruku (rukuʿ): bending forward in the prescribed prayer

rushd (rushd): mental maturity

ruyah (ruʿyah): sighting of the new moon

S

sabbaltu (sabbaltu): "I have donated as charity..."

sabil Allah (sabil Allah): those who have volunteered to fight for the defense of Islam

sadaqah (sadaqah): charity

safah, al- (al-safah): mental retardation

sahih (sahih): valid *sahw (sahw)*: mistake in the prescribed prayer

said al-tahur, al- (al-saʿid al-tahur): wholesome dust

saim (saʿim): person performing the prescribed fast

salam (salam): the greetings of 'peace'

salat (salat): prescribed prayer

salat al-faitah, al- (al-salat al-faʿitah): prescribed prayer performed after the lapse of time

salat al-fajr (salat al-fajr): two cycles prayer before the morning prescribed prayer

salat al-idayn (salat al-^ʿidayn): festivals prescribed prayer
salat al-iẖtiyat (salat al-iẖtiyat): prescribed prayer of caution
salat al-istiqa (salat al-istisqaʿ): prayer for rain
salat al-jamaah (salat al-jamaʿah): congregational prescribed prayer
salat al-janazah (salat al-janazah): prescribed prayer for the dead
salat al-kusuf (salat al-kusuf): prayer for an eclipse
salat al-layl (salat al-layl): midnight prayer
salat al-madhurah (salat al-madhurah): supererogatory prayer to fulfil

a vow

salat al-musafir (salat al-musafir): prescribed prayer of the traveler
salat al-naḥilah (salat al-naḥilah): supererogatory prayer
salat al-qada (salat al-qadaʿ): missed prescribed prayer
salat al-tarawih (salat al-tarawih): special evening prayer during the

month of Ramadan

salawat (salawat): sending greetings to the Prophet
sawm (sawm): prescribed fasting
say (saʿy): search between Safa and Marwah

Shafii: Named after Muhammad Ibn Idris ash-Shafii (767-820 CE), theologian, religious scholar, and founder of one of the four major schools of Sunni law, the Shafii.

shahadah (shahadah): bearing witness to the Oneness of God and prophethood of Muhammad

shahadatayn (shahadatayn): two testaments upon the recitation of which one becomes a Muslim

Shariah (Shariʿah): Divine Law

short al-khayar (shart al-khayar): executor of a contract makes explicit mention of a condition while executing the contract

shawt (shawt): walking between Safa and Marwah

shibh al-amd (shibh al-ʿamd): quasi-intentional act

shirk (shirk): polytheism

shubhah (shubhah): misconception

shubhat aqd (shubhat ʿaqd): mistake by contract

shubhat fil (shubhat fiʿl): mistake of act

shuhrat al-azimah (shuhrat al-ʿazimah): unusual preponderance

shukr (shukr): gratitude Shumaysi, al- (al-Shumaysi): western boundary of the sacred area of Makkah, 15 kms from Makkah

shurb (shurb): eating and drinking

shurut (shurut): conditions

sighah (sighah): form of recital, declaration, pronouncement

sughra (sughra): minor intermittent bleeding

sujud (sujud): prostration in the prescribed prayer

sujud al-sahw (sujud al-sahw): prostration for a mistake in the prescribed prayer

sulh al-qahri (sulh al-qahri): compulsory compromise

Sunnah (Sunnah): custom of the Prophet

sunnah muakkadah (sunnah mu'akkadah): strongly recommended *Sunnah*

T

taabbud (ta'abbud): obedience to the Lawgiver

tabanni (tabanni): adoption

tabi (tabi^c): ox or cow in the second year

tadlis (tadlis): deceit, hiding a defect

taharah (taharah): prescribed purity

tahiyyah al-masjid (tahiyyat al-masjid): greeting of the mosque

tahjir (tahjir): declaration of legal disability

tahir al-milk (tahir al-milk): liberation from ownership

tahlil (tahlil): recitation of "There is no god but! God"; relief from the sacred state

Taht al-Arak (Taht al-Arak): area outside Arafat

takattuf (takattuf): folding one's arms during the prescribed prayer

takbir (takbir): recitation of *Allahu akbar* "God is Greater:

takbirat al-ihram (takbirat al-ihram): the first recitation of "*Allah akbar*" which begins the sacred state of the prescribed prayer and which prohibits anything but the prescribed prayer

takfin (takfin): shroud

talaq al-iddah (talaq al-iddah): irrevocable divorce

talbiyah (talbiyah): recitation of "Here I am, my Lord." It is obligatory to be recited at the time of putting on the sacred dress in assuming the sacred state according to the Jafari, Hanafi and Maliki schools and recommended by the Hanbali.

Tanin, al- (al-Tanim): northern boundary of the sacred area of Makkah

tanjiz (tanjiz): unconditionally operational

taqarrub (taqarrub): nearness to God

taqlid (taqlid): following the dictates of an expert

taqsir (taqsir): shortening of the hair of the head

tarakhi (tarakhi): delay

tarikah, al- (al-tarikah): an estate

tarjih bila murajjih (tarjih bila murajjih): preferring something without a cause for such preference

tank al-salat (tarik al-salat): person who does not perform the prescribed prayer due to laziness or neglect

tartib (tartib): bath lustration of sequence

tarwiyah (tarwiyah): 8th of Dhil Hijjah

tasbih (tasbih): praise; recitation of "Glory be to God" *subhan Allah*

tashahhud (tashahhud): sitting back on knees and bearing witness

tashriq (tashriq): 11th, 12th, and 13th of Dhil Hijjah

tasib (ta'sib): sharing of inheritance by the residuaries along with the closely related sharers

tasmiyah (tasmiyah): recitation of "In the Name of God, the Merciful, the Compassionate"

tawaf (tawaf): circumambulation around the Kabah

tawaf al-ifadah (tawaf al-ifadah): circumambulation of the prescribed pilgrimage pouring forth into Makkah from Mina

tawaf al-nisa (tawaf al-nisa'): circumambulation of women, obligatory according to the Jafari school following the prescribed pilgrimage before one's spouse becomes lawful

tawaf al-qudum (tawaf al-qudum): circumambulation performed by persons coming from outside of the sacred area upon the first entry into the Kabah area

tawaf al-tahiyah (tawaf al-tahiyah): circumambulation following the greeting of the mosque

tawaf al-wada (tawaf al-wada): circumambulation for farewell

tawaf al-ziyarah (tawaf al-ziyarah): circumambulation of Kabah as part of the prescribed pilgrimage following Mina

tayammum (tayammum): dry ablution

tayyib (tayyib): pure

thawab (thawab): spiritual reward

turab (turab): earth

U

ulama (‘ulama’): religious scholars

ummah: community

ummrah: minor pilgrimage

umrah (^c*umrah*): literally means visit but in the Divine Law it means specifically a visit to the Kabah in what is called in English the minor pilgrimage

umrah al-mufradah (^c*umrah al-mufradah*): minor pilgrimage performed independently of the prescribed pilgrimage

umrah al-mufradah al-mustaqillah an al-hajj (^c*umrah al-mufradah al-mustaqillah 'an al-hajj*): minor pilgrimage performed independently of the longer pilgrimage

umrah al-mundammah ila al-hajj (^c*umrah al-mundammah ila al-hajj*): shorter pilgrimage performed in conjunction with the prescribed pilgrimage

umrah al-tamattu (^c*umrah al-tamattu*): minor pilgrimage occurs in the same year as the prescribed pilgrimage

uyub, al- (*al-^cuyub*): defects

W

wadhy (*wadhy*): dense genital discharge emitted following urination

wajh (*wajh*): face

wajib (*wajib*): obligatory, prescribed

wajib aini (*wajib 'aini*): duty obligatory individually unless another performs it

wajib kifai (*wajib kifa'i*): duty collectively obligatory and no longer obligatory individually when another performs it

wakil (*wakil*): agent

walad (*walad*): child

walad al-walad (*walad al-walad*): grandchild

wali (*wali*): legal guardian

waqafu (*waqafu*): "I have made an endowment..."

waqf ala-salat (*waqf ala 'l-salat*): endowment for prescribed prayers

waqif (*waqif*): doner of an endowment

wasat al-masafah (*wasat al-masafah*): intervening distance

wasiyyah (*wasiyyah*): will

wathaqa (*wathaqa*): trustworthiness

watirah (*watirah*): a single cycle prayer

wudu (*wudu*): shorter ablution

wuquf (*wuquf*): halt at Arafat or al-Mashar al-Haram (Mudalifah)

wusta (wusta): medium flow of intermittent bleeding

Y

yadayn (yadayn): hands

Yalamlam (Yalamlam): a station on the way to Makkah where the pilgrim assumes the sacred state (*ihram*)

yamin (yamin): oath

yawm al-nahr (yawm al-nahr): day of sacrifice

yawm al-shakk (yawm al-shakk): uncertain day

Z

zad, al- (al-zad): expenses for transport, food, lodging, passport fees, etc.

zahir al-zinah (zahir al-zinah): outward adornment

zakat (zakat): alms

zakat al-fitr (zakat al-fitr): poor-due marking the end of Ramadan

zann (zann): probability

zanni (zanni): non-definite proof

zawaj (zawaj): marriage

zawwajtu (zawwajtu): "I gave in marriage..."

zawwajtuka (zawwajtuka): "I married you (masc.)..."

zihar (zihar): a husband saying to his wife that she is like his mother's back, i.e., forbidden to him

zina (zina): fornication

zuhr (zuhr): noon prescribed prayer

zuqaaq al-attarin (zuqaaq al-^cattarin): the alley of the pharmacists, a point of reference for the running between Safa and Marwah

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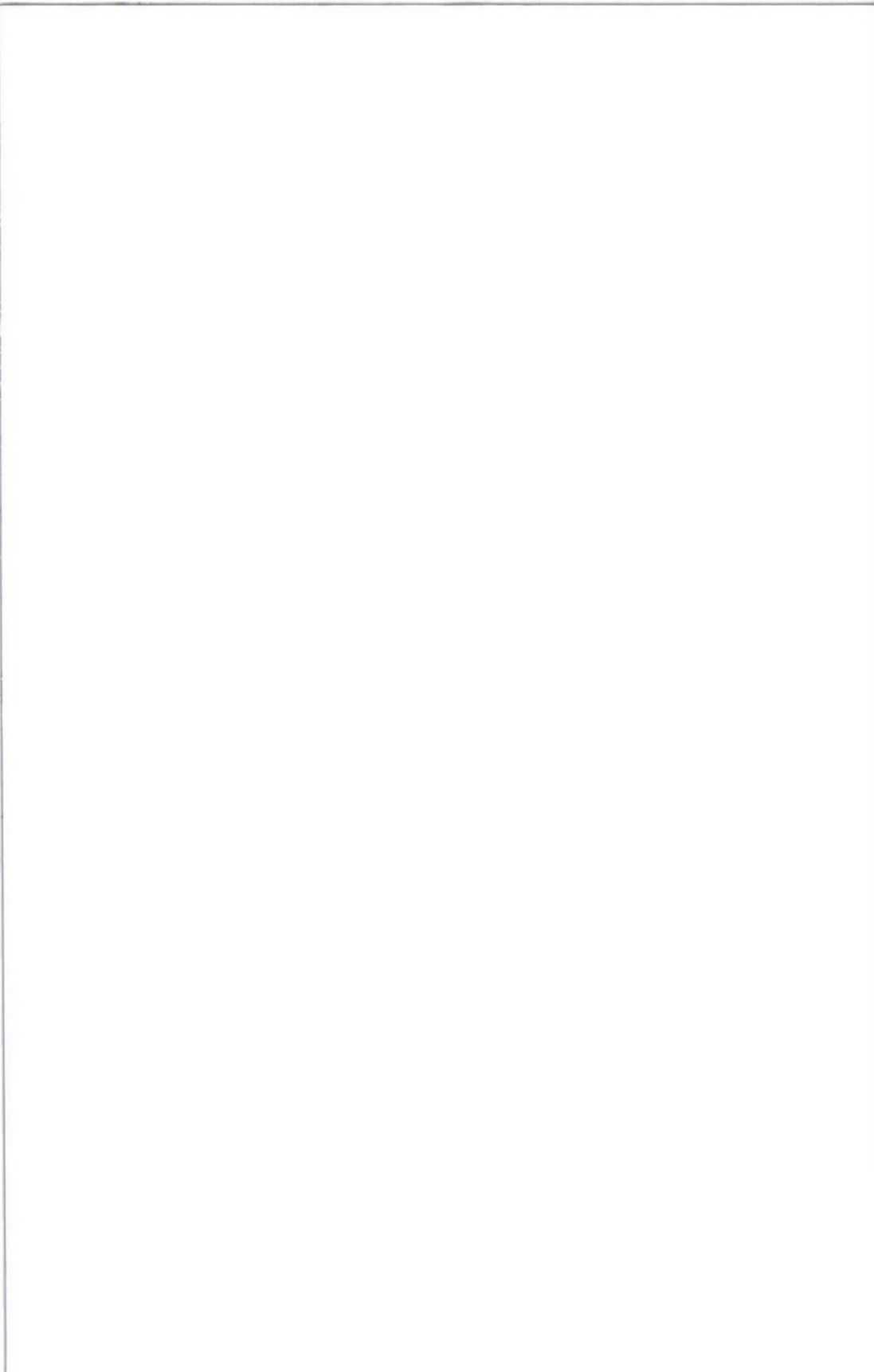
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A TEXTBOOK ON JURISPRUDENCE

ACCORDING TO THE FIVE SCHOOLS OF ISLAMIC LAW:

HANAFI, HANBALI, SHAFII, MALIKI, JAFARI

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